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INTERNATIONAL LEGISLATION

A COLLECTION OF THE TEXTS OF
MULTIPARTITE INTERNATIONAL INSTRUMENTS
OF GENERAL INTEREST

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PREFACE TO VOLUME IX

This volume continues a serial collection of texts of multipartite international instruments of general interest, published under the title of *International Legislation*.

Volumes I to IV of the collection, covering the period from 1919 to July 1929, were published in 1931; Volume V, for the years 1929 to 1931, was published in 1936; Volume VI, for the years 1932 to 1934, was published in 1937; Volume VII, for the years 1935 to 1937, was published in 1941; and Volume VIII, for the years 1938 to 1941, was published in 1949.

This ninth volume of the collection covers the four-year period from 1942 to 1945, inclusive. It reproduces the texts of, or lists, sixty principal instruments and about forty subsidiary instruments. Some of them have not been brought into force, and some became abortive after their entry into force. As one of the objects of this collection is to trace the continuous development of the legislative process, it has seemed to the editor that some of the abortive instruments should be included here; on the other hand, a few of the less significant instruments of the period have been excluded.

During the greater part of the period covered by this volume, most of the states of the world were engaged in waging war and their energies could not be diverted to legislative activity. Beginning in 1944, however, the United Nations began the post-war planning which resulted in a great broadening of international organization; and some of the basic instruments are reproduced in this volume. Prospect now exists for an extension of international legislation into many new fields.

The collaboration of Mr. Louis B. Sohn in the preparation of this volume has been invaluable. The editor would also express his gratitude to the many officials of governments and organizations to whom he has turned for aid in procuring texts and information with respect to them. Miss Ruth E. Stanton has bestowed her genius on editing the manuscript.

MANLEY O. HUDSON

CAMBRIDGE, MASSACHUSETTS

July 1, 1949

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No. 611

DECLARATION by United Nations. Opened for signature at Washington, January 1, 1942.

DÉCLARATION des Nations Unies. Ouverte à la signature à Washington, 1 janvier 1942.

EDITOR'S NOTE. This Declaration established a basis for cooperation between the nations united against the Axis states in World War II. A resolution on mutual assistance had been adopted at the Inter-Allied Meeting at London, June 12, 1941. *Br. Parl. Papers*, Misc. No. 1 (1941), Cmd. 6285, p. 15. For the text of the Atlantic Charter of August 14, 1941, referred to in the preamble to this Declaration, see No. 611a, *post*; for the text of the Tripartite Pact of September 27, 1940, see No. 591, *ante*. The Charter of the United Nations was adopted at San Francisco, June 26, 1945 (No. 653, *post*).

ACCESSIONS. On May 1, 1945, this Declaration had been acceded to and signed by Bolivia, Brazil, Chile, Colombia, Ecuador, Egypt, Ethiopia, France, Iran, Iraq, Lebanon, Liberia, Mexico, Paraguay, Peru, Philippines, Saudi Arabia, Syria, Turkey, Uruguay, and Venezuela.

BIBLIOGRAPHY. The text of this Declaration is also published in *U.S. Executive Agreement Series*, No. 236; *British Treaty Series*, No. 5 (1942), Cmd. 6388; Canada, *Treaty Series*, 1942, No. 1; 36 *Am. Jour. Int. Law* (Supp., 1942), p. 191; 1 *Soviet Foreign Policy During the Patriotic War: Documents and Materials*, p. 114; 11 *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* (1943), p. 547. For a Spanish translation, see Panama, *Memoria del Ministerio de Relaciones Exteriores*, 1943, p. 652; 2 *Revista peruana de derecho internacional* (1942), p. 559.

A. A. Berle, Jr., "United Nations and United Peoples," 6 *U.S. Department of State Bulletin* (1942), pp. 203-5; H. Bonnet, *The United Nations* (Chicago, 1942), 100 pp.; ———, *United Nations on the Way* (Chicago, 1942), 170 pp.; G. B. Huszar, "The United Nations in War and Peace," 106 *World Affairs* (1943), pp. 98-104; C. Savage, "The Concept of the United Nations," 12 *U.S. Department of State Bulletin* (1945), pp. 504-6; R. E. Sherwood, *Roosevelt and Hopkins* (New York, 1948), pp. 446-53; P. S. Wild, Jr., "Machinery of Collaboration between the United Nations," 18 *Foreign Policy Reports* (1942), pp. 94-108.

Entered into force January 1, 1942.¹

Text and translation from 204 *League of Nations Treaty Series*, p. 381.

[Traduction]

The Governments signatory hereto,

Les gouvernements signataires de la présente Déclaration,

Having subscribed to a common programme of purposes and principles embodied in the Joint Declaration of the President of the United States of America and the Prime Minister of the United Kingdom of

Ayant souscrit à un programme commun de buts et de principes énoncé dans la Déclaration conjointe du Président des Etats-Unis d'Amérique et du Premier Ministre du Royaume-Uni de Grande-Bretagne

¹ Registered with the Secretariat of the League of Nations, No. 4817, October 29, 1942.

Great Britain and Northern Ireland, dated August 14th, 1941, known as the Atlantic Charter,

Being convinced that complete victory over their enemies is essential to defend life, liberty, independence and religious freedom, and to preserve human rights and justice in their own lands as well as in other lands, and that they are now engaged in a common struggle against savage and brutal forces seeking to subjugate the world, declare:

(1) Each Government pledges itself to employ its full resources, military or economic, against those members of the Tripartite Pact and its adherents with which such Government is at war.

(2) Each Government pledges itself to co-operate with the Governments signatory hereto and not to make a separate armistice or peace with the enemies.

The foregoing declaration may be adhered to by other nations which are, or which may be, rendering material assistance and contributions in the struggle for victory over Hitlerism.

DONE at Washington, the 1st January, 1942.

et d'Irlande du Nord, en date du 14 août 1941, connue sous le nom de "Charte de l'Atlantique",

Convaincus qu'une victoire complète sur leurs ennemis est essentielle pour défendre la vie, la liberté, l'indépendance et la liberté de conscience et pour préserver les droits humains et la justice dans leurs propres territoires, ainsi que dans les autres, et qu'ils sont actuellement engagés dans une lutte commune contre des forces sauvages et brutales qui cherchent à subjuguer le monde, déclarent:

1) Chaque gouvernement s'engage à utiliser toutes ses ressources, militaires ou économiques, contre les membres du Pacte tripartite et ses adhérents avec lesquels ce gouvernement est en guerre.

2) Chaque gouvernement s'engage à coopérer avec les gouvernements signataires de la présente Déclaration et à ne pas conclure d'armistice ou de paix séparés avec les ennemis.

La Déclaration qui précède est ouverte à l'adhésion des autres nations qui fournissent ou peuvent fournir une assistance et des contributions matérielles dans la lutte pour la victoire sur l'hitlérisme.

FAIT à Washington, le 1^{er} janvier 1942.

[Signed:] The **United States of America**, by FRANKLIN D. ROOSEVELT; the **United Kingdom of Great Britain and Northern Ireland**, by WINSTON S. CHURCHILL; on behalf of the Government of the **Union of Soviet Socialist Republics**, MAXIM LITVINOV, Ambassador; National Government of the **Republic of China**, TSE-VUNG SOONG, Minister for Foreign Affairs; the **Commonwealth of Australia**, by R. G. CASEY; the **Kingdom of Belgium**, by Cte. R. v. STRATEN; **Canada**, by LEIGHTON MCCARTHY; the **Republic of Costa Rica**, by LUIS FERNÁNDEZ; the **Republic of Cuba**, by AURELIO F. CONCHESO; **Czecho-Slovak Republic**, by V. S. HURBAN; the **Dominican Republic**, by J. M. TRONCOSO; the **Republic of El Salvador**, by C. A. ALFARO; the **Kingdom of Greece**, by CIMON G. DIAMANTOPOULOS; the **Republic of Guatemala**, by ENRIQUE LOPEZ-HERRARTE; La **République d'Haïti**, par FERNAND DENNIS; the **Republic of Honduras**, by JULIÁN R. CÁCERES; **India**, by GIRJA SHANKAR BAJPAI; the **Grand-Duchy of Luxemburg**, by HUGUES LE GALLAIS; the **Kingdom of the Netherlands**, by A. LOUDON; signed on behalf of the Government of the **Dominion of New Zealand**, by FRANK LANGSTONE; the **Republic of Nicaragua**, by LÉON DE BAYLE; the **Kingdom of Norway**, by W. MUNTHE MORGENSTIERNE; the **Republic of**

Panamá, by JAÉN GUARDIA; the **Republic of Poland**, by JAN CIECHANOWSKI; the **Union of South Africa**, by RALPH W. CLOSE; the **Kingdom of Yugoslavia**, by CONSTANTIN A. FOTITCH.

No. 611a

Atlantic Charter. Published August 14, 1941.

Charte de l'Atlantique. Rendue publique le 14 août 1941.

EDITOR'S NOTE. This instrument, drawn up by the President of the United States and the Prime Minister of the United Kingdom on August 12, 1941, on board U.S.S. *Augusta*, was published on August 14, 1941. It was adhered to by ten governments represented at an Inter-Allied Conference in London on September 24, 1941. *Br. Parl. Papers*, Misc. No. 3 (1941), Cmd. 6315, pp. 6-16. A resolution approving the Atlantic Charter was adopted at the Third Meeting of the Ministers of Foreign Affairs of the American Republics at Rio de Janeiro, January 28, 1942. Pan American Union, *Congress and Conference Series*, No. 36, p. 58.

BIBLIOGRAPHY. The text of the Atlantic Charter is also published in *Br. Parl. Papers*, United States No. 3 (1941), Cmd. 6321; 5 *U.S. Department of State Bulletin* (1941), p. 125. For a Spanish translation, see 145 Perú, *Boletín del Ministerio de Relaciones Exteriores* (1941), p. 269.

E. de Althaus, "Apuntes sobre la Carta del Atlántico," 2 *Revista peruana de derecho internacional* (1942), pp. 497-514; W. Arnold-Forster, *Charters of Peace—A Commentary on the Atlantic Charter and the Declarations of Moscow, Cairo, and Teheran* (London, 1944), 138 pp.; ——— "The Atlantic Charter," 13 *Political Quarterly* (1942), pp. 144-59; J. F. Dulles, *Long Range Peace Objectives Including an Analysis of the Roosevelt-Churchill Eight Point Declaration* (New York, 1941), 29 pp.; C. Eagleton, "The Atlantic Charter," 7 *New Commonwealth Quarterly* (1941), pp. 172-82; A. Giannini, "La cabala degli otto punti," 9 *Rivista di studi politici internazionali* (1942), pp. 149-78; J. E. Johnsen, *Eight Points of Post-War Reorganization* (New York, 1942), 126 pp.; V. Kybal, "The Atlantic Charter," 12 *World Affairs Interpreter* (1942), pp. 367-81; E. Reves, "Atlantic Charter and Beyond," 6 *Public Affairs* (1943), pp. 125-32; H. L. Samuel, "Thoughts on the Atlantic Charter," 161 *Contemporary Review* (1942), pp. 1-8; B. E. Schmitt, "Roosevelt-Churchill Declaration and the Terms of a Future Peace," 6 *Social Education* (1942), pp. 58-65; R. E. Sherwood, *Roosevelt and Hopkins* (New York, 1948), pp. 359-63; W. Stephan, "Atlantik-Charta und Beveridge-Plan," 10 *Auswärtige Politik* (1943), pp. 376-80; I. Stoepel, "Die Atlantik-Charta eine Garantie für die Baltischen Staaten," *idem*, pp. 451-55; J. Stone, *The Atlantic Charter* (Sydney, 1943), 245 pp.; 2d ed. (Sydney, 1945), 96 pp.; J. Sulkowski, "The Atlantic Charter and the Principle of Self-Determination," 2 *New Europe* (1942), pp. 262-68; G. Turbay, "Atlantic Charter," 76 *Bulletin of the Pan American Union* (1942), pp. 324-27; U.S. Library of Congress, Legislative Reference Service, *The Atlantic Charter—Symbol of United Democracy* (Washington, 1942), 30 pp.; S. Welles, *Where Are We Heading* (New York, 1946), pp. 4-18.

Entered into force August 14, 1941.¹

Text and translation from 204 *League of Nations Treaty Series*, p. 384.

[Traduction]

The President of the United States Le Président des Etats-Unis d'
of America and the Prime Minister, Amérique et le Premier Ministre,

¹ Registered with the Secretariat of the League of Nations, under No. 4817, October 29, 1942.

Mr. Churchill, representing His Majesty's Government in the United Kingdom, being met together, deem it right to make known certain common principles in the national policies of their respective countries on which they base their hopes for a better future for the world.

First, their countries seek no aggrandizement, territorial or other;

Second, they desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned;

Third, they respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them;

Fourth, they will endeavour, with due respect for their existing obligations, to further the enjoyment by all States, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity;

Fifth, they desire to bring about the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labour standards, economic advancement, and social security;

Sixth, after the final destruction of the Nazi tyranny, they hope to see established a peace which will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want;

Seventh, such a peace should enable all men to traverse the high seas and oceans without hindrance;

Eighth, they believe that all of the nations of the world, for realistic as

M. Churchill, représentant le Gouvernement de Sa Majesté dans le Royaume-Uni, s'étant réunis, estiment devoir faire connaître certains principes communs à la politique nationale de leurs pays respectifs et sur lesquels ils fondent leurs espoirs d'un avenir meilleur pour le monde.

Premièrement, leurs pays ne recherchent aucun agrandissement, territorial ou autre;

Deuxièmement, ils désirent ne voir aucun changement territorial qui ne soit pas conforme aux vœux librement exprimés des peuples intéressés;

Troisièmement, ils respectent le droit de tous les peuples de choisir la forme de gouvernement sous laquelle ils veulent vivre; et ils désirent voir restaurer les droits souverains et l'autonomie à ceux qui en ont été privés par la force;

Quatrièmement, ils s'efforceront, tout en respectant leurs obligations existantes, de favoriser pour tous les Etats, grands ou petits, vainqueurs ou vaincus, l'accès, sur un pied d'égalité, au commerce et aux matières premières du monde qui sont nécessaires à leur prospérité économique;

Cinquièmement, ils désirent réaliser la collaboration la plus complète entre toutes les nations dans le domaine économique en vue d'assurer, pour toutes, une amélioration des conditions de travail, le progrès économique, et la sécurité sociale;

Sixièmement, après la destruction définitive de la tyrannie nazie, ils espèrent voir s'établir une paix qui fournira à toutes les nations les moyens de demeurer en sûreté dans leurs propres frontières, et qui donnera l'assurance que tous les hommes, dans tous les pays, pourront vivre libérés de la crainte et du besoin;

Septièmement, une telle paix devrait permettre à tous les hommes de traverser sans entraves les mers et les océans;

Huitièmement, ils croient que, pour des raisons pratiques aussi bien que

well as spiritual reasons, must come to the abandonment of the use of force. Since no future peace can be maintained if land, sea or air armaments continue to be employed by nations which threaten, or may threaten, aggression outside of their frontiers, they believe, pending the establishment of a wider and permanent system of general security, that the disarmament of such nations is essential. They will likewise aid and encourage all other practicable measures which will lighten for peace-loving peoples the crushing burden of armaments.

spirituelles, toutes les nations du monde doivent en arriver à renoncer à l'emploi de la force. Etant donné qu'aucune paix future ne pourra être maintenue si les armements terrestres, navals ou aériens continuent à être utilisés par des nations qui menacent, ou peuvent menacer, d'agression en dehors de leurs frontières, ils croient que, en attendant l'établissement d'un système de sécurité générale plus large et permanent, le désarmement de ces nations est essentiel. Ils favoriseront et encourageront également toutes les autres mesures praticables qui allégeront, pour les peuples pacifiques, l'écrasant fardeau des armements.

No. 612

AGREEMENT concerning the Establishment of a Commission on Forests and Timber. Signed at Berlin, January 23, 1942.

ACCORD concernant l'institution d'une Commission sur les questions forestières et du bois. Signé à Berlin, 23 janvier 1942.

EDITOR'S NOTE. The problems of forestry and timber were dealt with by unofficial and official conferences at Bratislava in 1923, at Lyons in 1924, at Rome in 1926, at Bratislava in 1929, at Paris and Warsaw in 1931, at Vienna and Nancy in 1932, at Berlin in 1933, at Vienna in 1934, at Paris and Copenhagen in 1935, at London and Budapest in 1936, at Paris and Stockholm in 1937, at Brussels in 1938. A meeting of timber experts was held at Geneva, April 25-27, 1932, under the auspices of the League of Nations. *League of Nations Document*, C.493.M.239.1932.II.B.6. See also the report on timber statistics of the League of Nations Committee of Statistical Experts of 1938. *Idem*, C.226.M.128.1938.II.A.15. An International Timber Committee (Comité international du Bois), established by the Vienna Conference of 1932, took an active part in the preparation of the later conferences. On March 22, 1938, the International Institute of Agriculture established a Centre international de Sylviculture at Berlin; for the statute and regulations of the Center, see Institut international d'Agriculture, Comité permanent, *Procès-verbaux*, 1938, pp. 34-38, 185-92. An International Timber Conference was held at Marianske Lazne, April 28-May 10, 1947, under the auspices of the United Nations Food and Agriculture Organization. A European Forestry Office of the Food and Agriculture Organization was established at Geneva in November 1947.

RATIFICATIONS. On January 1, 1945, ratifications of or accessions to this Agreement had been deposited at Berlin by Bulgaria, Croatia, Denmark, Finland, Germany, Hungary, Italy, Rumania, Slovakia, and Sweden.

BIBLIOGRAPHY. The text of this Agreement is also published in 39 Martens, *N.R.G.* (3d ser.), p. 717.

G. Golay, "Les origines, les buts et les formes de la collaboration internationale en matière

forestière," 2 *Intersylva* (1942), pp. 376-87. On the background of this Agreement, see Anon., "The International Organization of the Timber Market," 6 *World Trade* (1934), No. 8, p. 5; Anon., "Organizing the World Timber Market," 7 *idem* (1935), No. 1, p. 6; Anon., "European Timber Export Convention," 8 *idem* (1936), No. 2, p. 2; F. Arcoleo, "The Organization of the International Timber Market," 27 *International Review of Agriculture* (1936), pp. 41-49; E. Glesinger, *Le bois en Europe* (Paris, 1932), pp. 55-240; H. R. G. Greaves, *Raw Materials and International Control* (London, 1936), pp. 93-98; W. Parchmann, "Europäische Forstwirtschaft als Vorbild kontinentaler Marktregelung," *Jahrbuch der Gesellschaft für europäische Wirtschaftsplanung* (Dresden, 1941), pp. 25-30; E. Staley, *Raw Materials in Peace and War* (New York, 1937), pp. 315-16.

Entered into force April 9, 1942.

Text from German *Reichsgesetzblatt*, 1942, Part II, p. 220.

Die Königlich Dänische Regierung, die Deutsche Regierung, die Finnische Regierung und die Königlich Schwedische Regierung, von dem Wunsche geleitet, gemeinsam über forst- und holzwirtschaftliche und -wissenschaftliche Fragen zu beraten und die Voraussetzungen für den geordneten Austausch der Holzüberschüsse zu untersuchen, haben sich geeinigt, ein Abkommen über die Einsetzung einer gemeinsamen Forst- und Holzkommision zu treffen, und haben zu diesem Zweck zu ihren Bevollmächtigten ernannt:¹

Die Königlich Dänische Regierung: Otto Carl Mohr;

Die Deutsche Regierung: Emil Wiehl und Willi Parchmann;

Die Finnische Regierung: Toivo Mikael Kivimäki;

Die Königlich Schwedische Regierung: Arvid Richert.

Die Bevollmächtigten haben nach Vorlage ihrer in guter und gehöriger Form befundenen Vollmachten Nachstehendes vereinbart:

Artikel 1. Zur gemeinsamen Beratung über forst- und holzwirtschaftliche und -wissenschaftliche Fragen und zur Untersuchung der Voraussetzungen für den geordneten Austausch der Holzüberschüsse wird eine Kommission eingesetzt, in welche jede der vertragschließenden Regierungen einen Vertreter als Mitglied entsendet.

Die Vertreter können zu ihrer Unterstützung Sachverständige hinzuziehen.

Art. 2. Die Kommission tagt nach Bedarf in den von Fall zu Fall zu bestimmenden Ländern, deren Regierungen diesem Abkommen angehören.

Die Geschäftsstelle der Kommission befindet sich in Berlin.

Die Kosten für die Entsendung der Mitglieder und der Sachverständigen trägt jede Regierung selbst.

Die Kommission erläßt eine Geschäftsordnung.

Art. 3. Wenn die Kommission Vorschläge zu machen hat, so wird sie diese den von den einzelnen Ländern für die Durchführung der zweiseitigen Wirtschaftsabkommen eingesetzten Regierungsausschüssen unterbreiten. Die Ausschüsse entscheiden über die Durchführung solcher Vorschläge.

Art. 4. Es besteht Einverständnis darüber, daß ein gemeinsames Interesse besteht, den geordneten Austausch der Holzüberschüsse auf möglichst breiter Grundlage durchzuführen. Es ist daher erwünscht, daß andere europäische Staaten diesem Abkommen beitreten.

Der Beitritt wird auf diplomatischem Wege der Deutschen Regierung mitgeteilt und wird alsbald nach Niederlegung der Beitrittsurkunden bei der Deutschen Regierung wirksam.

¹ The titles of plenipotentiaries are omitted.—Ed.

Die Deutsche Regierung teilt den Beitritt den Regierungen der anderen Vertragsstaaten mit.

Art. 5. Ein Vertragsstaat, der dieses Abkommen kündigen will, muß dies der Deutschen Regierung mitteilen; diese benachrichtigt unverzüglich die anderen Vertragsstaaten unter Mitteilung des Tages, an welchem sie die Kündigung erhalten hat.

Die Kündigung wird für den kündigenden Staat erst ein Jahr, nachdem das Kündigungsschreiben bei der Deutschen Regierung eingegangen ist, wirksam.

Art. 6. Dieses Abkommen soll sobald als möglich ratifiziert werden

und tritt in Kraft, sobald sämtliche Ratifikationsurkunden im Auswärtigen Amt in Berlin niedergelegt worden sind.

Art. 7. Das Abkommen wird nur in einer Urschrift unterzeichnet, die im Archiv des Auswärtigen Amts in Berlin niedergelegt werden wird. Die Deutsche Regierung wird jeder der anderen beteiligten Regierungen eine beglaubigte Abschrift des Abkommens auf diplomatischem Wege zugehen lassen.

ZU URKUND DESSEN haben die Bevollmächtigten dieses Abkommen unterzeichnet.

Geschehen zu Berlin am 23. Januar 1942.

[Unterzeichnet:] Für die **Königlich Dänische Regierung:** O. C. MOHR; für die **Deutsche Regierung:** WIEHL, PARCHMANN; für die **Finnische Regierung:** T. M. KIVIMÄKI; für die **Königlich Schwedische Regierung:** ARVID RICHERT.

No. 613

TREATY of Alliance. Signed at Tehran, January 29, 1942.

TRAITÉ d'alliance. Signé à Téhéran, 29 janvier 1942.

EDITOR'S NOTE. On August 25, 1941, British and Soviet troops entered Iran, and on September 9, 1941, the Iranian Government accepted the terms put forward by the British and Soviet Governments. The Shah abdicated on September 16, 1941, and was succeeded by the Crown Prince Muhammed Riza Pahlevi. A draft of this Treaty was approved by the Iranian Parliament on January 26, 1942. A convention regarding the zones of influence in Persia was concluded by Great Britain and Russia on August 18/31, 1907. 100 *Br. and For. St. Papers*, p. 555. A treaty of friendship was concluded by the Soviet Union and Iran on February 26, 1921 (9 *League of Nations Treaty Series*, p. 384), and a treaty of guarantee and neutrality was concluded by them on October 1, 1927 (112 *idem*, p. 292). Cf. also the declaration regarding Iran issued by the Tehran Conference on December 6, 1943, 9 *U.S. Department of State Bulletin* (1943), p. 409. In January and March 1946, the Iranian Government brought to the attention of the Security Council of the United Nations certain alleged breaches of the 1942 Treaty by the Soviet Union. *Yearbook of the United Nations, 1946-1947*, pp. 327-36.

BIBLIOGRAPHY. The text of this Treaty is also published in 6 *U.S. Department of State Bulletin* (1942), p. 249; 1 *Soviet Foreign Policy During the Patriotic War: Documents and Materials*, p. 127; 36 *Am. Jour. Int. Law* (Supp., 1942), p. 175. For the background of the Treaty, see 13 C. U. Aitchison, *A Collection of Treaties, Engagements, and Sanads relating to India and Neighbouring Countries* (Calcutta, 1933), pp. iii-clxix, 1-201.

G. M. Coombs, "The Background of the Russo-Persian Dispute," 169 *Contemporary*

Review (1946), pp. 152-55; W. S. Haas, *Iran* (New York, 1946), 273 pp.; A. H. Hamzavi, "Iran and the Tehran Conference," 20 *International Affairs* (1944), pp. 192-203; ———, "Iran's Future—Some Lessons from the Past," 31 *Royal Central Asian Journal* (1944), pp. 273-80; ———, *Persia and the Powers—An Account of Diplomatic Relations, 1941-1946* (London, 1946), 125 pp.; A. K. S. Lambton, "Some of the Problems Facing Persia," 22 *International Affairs* (1946), pp. 254-72; W. J. Thompson, "Iran, 1939-1944," 32 *Royal Central Asian Journal* (1945), pp. 34-43.

Entered into force January 29, 1942.

Text from *Br. Parl. Papers*, Persia No. 1 (1942), Cmd. 6335.

His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and the Union of Soviet Socialist Republics, on the one hand, and His Imperial Majesty The Shahinshah of Iran, on the other;

Having in view the principles of the Atlantic Charter jointly agreed upon and announced to the world by the President of the United States of America and the Prime Minister of the United Kingdom on the 14th August, 1941, and endorsed by the Government of the Union of Soviet Socialist Republics on the 24th September, 1941, with which His Imperial Majesty The Shahinshah declares his complete agreement and from which he wishes to benefit on an equal basis with other nations of the world; and

Being anxious to strengthen the bonds of friendship and mutual understanding between them; and

Considering that these objects will best be achieved by the conclusion of a Treaty of Alliance;

Have agreed to conclude a treaty for this purpose and have appointed as their plenipotentiaries;¹

His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India,

For the United Kingdom of Great Britain and Northern Ireland, Sir Reader William Bullard.

The Union of Soviet Socialist Republics, Andre Andreewich Smirnov.

His Imperial Majesty The Shahinshah of Iran, Ali Soheily.

Who, having communicated their full powers, found in good and due form, have agreed as follows:

Article 1. His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and the Union of Soviet Socialist Republics (hereinafter referred to as the Allied Powers) jointly and severally undertake to respect the territorial integrity, sovereignty and political independence of Iran.

Art. 2. An alliance is established between the Allied Powers on the one hand and His Imperial Majesty The Shahinshah of Iran on the other.

Art. 3.—(i) The Allied Powers jointly and severally undertake to defend Iran by all means at their command from all aggression on the part of Germany or any other Power.

(ii) His Imperial Majesty The Shahinshah undertakes—

(a) to co-operate with the Allied Powers with all the means at his command and in every way possible, in order that they may be able to fulfil the above undertaking. The assistance of the Iranian forces shall, however, be limited to the maintenance of internal security on Iranian territory;

(b) to secure to the Allied Powers, for the passage of troops or supplies from one Allied Power to the other or for other similar purposes, the

¹ The titles of plenipotentiaries are omitted.—Ed.

unrestricted right to use, maintain, guard and, in case of military necessity, control in any way that they may require all means of communication throughout Iran, including railways, roads, rivers, aerodromes, ports, pipelines and telephone, telegraph and wireless installations;

(c) to furnish all possible assistance and facilities in obtaining material and recruiting labour for the purpose of the maintenance and improvement of the means of communication referred to in paragraph (b);

(d) to establish and maintain, in collaboration with the Allied Powers, such measures of censorship control as they may require for all the means of communication referred to in paragraph (b).

(iii) It is clearly understood that in the application of paragraph (ii) (b) (c) and (d) of the present article the Allied Powers will give full consideration to the essential needs of Iran.

Art. 4.—(i) The Allied Powers may maintain in Iranian territory land, sea and air forces in such number as they consider necessary. The location of such forces shall be decided in agreement with the Iranian Government so long as the strategic situation allows. All questions concerning the relations between the forces of the Allied Powers and the Iranian authorities shall be settled so far as possible in co-operation with the Iranian authorities in such a way as to safeguard the security of the said forces. It is understood that the presence of these forces on Iranian territory does not constitute a military occupation and will disturb as little as possible the administration and the security forces of Iran, the economic life of the country, the normal movements of the population and the application of Iranian laws and regulations.

(ii) A separate agreement or agreements shall be concluded as soon as

possible after the entry into force of the present Treaty regarding any financial obligations to be borne by the Allied Powers under the provisions of the present article and of paragraphs (ii) (b), (c) and (d) of Article 3 above in such matters as local purchases, the hiring of buildings and plant, the employment of labour, transport charges, &c. A special agreement shall be concluded between the Allied Governments and the Iranian Government defining the conditions for any transfers to the Iranian Government after the war of buildings and other improvements effected by the Allied Powers on Iranian territory. These agreements shall also settle the immunities to be enjoyed by the forces of the Allied Powers in Iran.

Art. 5. The forces of the Allied Powers shall be withdrawn from Iranian territory not later than six months after all hostilities between the Allied Powers and Germany and her associates have been suspended by the conclusion of an armistice or armistices, or on the conclusion of peace between them, whichever date is the earlier. The expression "associates" of Germany means all other Powers which have engaged or may in the future engage in hostilities against either of the Allied Powers.

Art. 6.—(i) The Allied Powers undertake in their relations with foreign countries not to adopt an attitude which is prejudicial to the territorial integrity, sovereignty or political independence of Iran, nor to conclude treaties inconsistent with the provisions of the present Treaty. They undertake to consult the Government of His Imperial Majesty The Shahinshah in all matters affecting the direct interests of Iran.

(ii) His Imperial Majesty The Shahinshah undertakes not to adopt in his relations with foreign countries an attitude which is inconsistent with the alliance, nor to conclude

treaties inconsistent with the provisions of the present Treaty.

Art. 7. The Allied Powers jointly undertake to use their best endeavours to safeguard the economic existence of the Iranian people against the privations and difficulties arising as a result of the present war. On the entry into force of the present Treaty, discussions shall be opened between the Government of Iran and the Governments of the Allied Powers as to the best possible methods of carrying out the above undertaking.

Art. 8. The provisions of the present Treaty are equally binding as bilateral obligations between His

Imperial Majesty The Shahinshah and each of the two other High Contracting Parties.

Art. 9. The present Treaty shall come into force on signature and shall remain in force until the date fixed for the withdrawal of the forces of the Allied Powers from Iranian territory in accordance with Article 5.¹

IN WITNESS WHEREOF, the above-named plenipotentiaries have signed the present Treaty and have affixed thereto their seals.

Done at Tehran in triplicate in English, Russian and Persian, all being equally authentic, on the 29th day of January, 1942.

R. W. BULLARD

A. A. SMIRNOV

ALI SOHEILY

ANNEX 1

Identic Notes addressed to the Iranian Minister for Foreign Affairs by His Majesty's Minister and the Soviet Ambassador.

With reference to Article 6, paragraph (i), of the Treaty of Alliance signed to-day, I have the honour, on behalf of His Majesty's Government in the United Kingdom/the Government of the Union of Soviet Socialist Republics, to assure Your Excellency that my Government interpret the provisions of this clause as being applicable to any peace conference or conferences held at the conclusion of the present war, or other general international conferences. Consequently they consider themselves bound not to approve anything at any such conference which is prejudicial to the territorial integrity, sovereignty or political independence of Iran, and not to discuss at any such conference anything affecting the direct interests of Iran without consultation with the Government of Iran.

His Majesty's Government/the Government of the Union of Soviet Socialist Republics will further do their best to secure that Iran will be represented on a footing of equality in any peace negotiations directly affecting her interests.

ANNEX 2

Identic Notes addressed to His Majesty's Minister and the Soviet Ambassador by the Iranian Minister for Foreign Affairs.

With reference to Article 6, paragraph (ii), of the Treaty of Alliance signed this day, I have the honour, on behalf of the Iranian Government, to assure Your Excellency that the Iranian Government would consider it contrary to their obligations under this clause to maintain diplomatic relations with any State which is in diplomatic relations with neither of the Allied Powers.

ANNEX 3

Identic Notes addressed to the Iranian Minister for Foreign Affairs by His Majesty's Minister and the Soviet Ambassador.

I have the honour, on behalf of His Majesty's Government in the United Kingdom/the Government of the Union of Soviet Socialist Republics, to convey to Your Excellency the following assurances:

(1) With reference to Article 3 (ii) (a) of the Treaty of Alliance which has been signed to-day, the Allied Powers will not

¹ The date was fixed as March 2, 1946.—ED.

require of Iran the participation of her armed forces in any war or military operations against any Foreign Power or Powers.

(2) With reference to Article 4 (ii), it is understood that there is no provision in the Treaty which requires that the Iranian Government shall bear the cost

of any works which the Allied Powers carry out for their own military ends and which are not necessary for the needs of Iran.

(3) It is understood that Annex 1 will remain in force even if the Treaty ceases to be valid, in accordance with the provisions of Article 9, before peace has been concluded.

No. 614

MEMORANDUM of Agreement on the Production and Marketing of Wheat. Initialed at Washington, April 22, 1942.

MEMORANDUM de Convenio sobre la producción y venta del trigo. Inicialado en Wáshington, 22 de abril de 1942.

EDITOR'S NOTE. An agreement between four wheat exporting countries, concluded at London on June 30, 1933, was followed by an agreement between exporting and importing countries, concluded at London on August 25, 1933 (No. 344, *ante*), which set up a Wheat Advisory Committee. The International Wheat Council, established under this Memorandum, held its first meeting at Washington in August 1942. An amendment, effected June 3, 1946, deleted paragraphs 5-8 of the Memorandum, and substituted a new paragraph 5 providing that the Council should remain in being pending the conclusions of the conference referred to in paragraph 3 or until otherwise determined. 7 *U.N. Treaty Series*, p. 331. The conference, which was held at London, March 18-April 23, 1947, reached no conclusive results. A new wheat agreement, signed at Washington on March 6, 1948, was not brought into force; an agreement signed at Washington on March 23, 1949, was brought into force on July 1, 1949. *Br. Parl. Papers*, Misc. No. 6 (1949), Cmd. 7680.

RATIFICATIONS. All of the contracting governments notified their approval of the Memorandum of Agreement by June 27, 1942. In 1946, representatives of Belgium, Brazil, China, Denmark, France, India, Italy, and the Netherlands became members of the International Wheat Council. In 1947, twenty-eight other states were invited to be represented on the Council.

BIBLIOGRAPHY. The text of this Memorandum of Agreement is also published in 8 *U.N. Treaty Series*, p. 237. See also *Br. Parl. Papers*, United States No. 2 (1942), Cmd. 6371; Canada, *Treaty Series*, 1942, No. 11; International Labour Office, *Intergovernmental Commodity Control Agreements* (Montreal, 1943), pp. 10-25; 37 *Am. Jour. Int. Law* (Supp., 1943), pp. 24-41.

Anon., "The International Wheat Agreement and Post-war Relief," 46 *Int. Labour Rev.* (1942), pp. 443-45; G. P. Boals, "'New World' Wheat Agreement," 2 *Agriculture in the Americas* (1942), pp. 148-50; A. Cairns, "International Wheat Agreement," 145 *Economist* (1943), p. 202; E. G. Cale, "International Wheat Conference," 16 *U.S. Department of State Bulletin* (1947), pp. 1053-56; ———, "Comments on the International Wheat Agreement," 18 *idem* (1948), pp. 395-401; ———, "The International Wheat Agreement of 1949," 20 *idem* (1949), pp. 507-11; J. S. Davis, "New International Wheat Agreements," 19 *Wheat Studies of the Food Research Institute* (1942), pp. 25-83; ———, *Wheat under International Agreement* (American Enterprise Association, National Economic Problems, No. 410: New York, 1945), 19 pp.; P. de Hevesy, *World Wheat Planning and Economic Planning in General* (London, 1940), 912 pp.; F. A. Linville, "Draft Memorandum of Agreement Prepared for International Wheat Conference," 16 *U.S. Department of State Bulletin* (1947), pp. 471-73;

E. S. Mason, *Controlling World Trade* (New York, 1946), pp. 213-36; U.S. Department of Agriculture, Office of Foreign Agricultural Relations, *The International Wheat Agreement* (Washington, 1942), 24 pp.; P. L. Yates, *Commodity Control* (London, 1943), pp. 18-47.

Entered into force June 27, 1942.¹

Text from *U.S. Executive Agreement Series*, No. 384.

1. Officials of Argentina, Australia, Canada and the United States, wheat exporting countries, and of the United Kingdom, a wheat importing country, met in Washington on July 10, 1941 to resume the wheat discussions which were interrupted in London by the outbreak of war in September 1939 and to consider what steps might be taken toward a solution of the international wheat problem.

2. The discussions at Washington, which extended over a period of many months, have made it clear that a satisfactory solution of the problem requires an international wheat agreement and that such an agreement requires a conference of the nations willing to participate which have a substantial interest in international trade in wheat. It was also recognized that pending the holding of such a conference the situation should not be allowed to deteriorate. The Washington Wheat Meeting has recorded the results of its deliberations in the attached Draft Convention in order to facilitate further international consideration of the subject at such time as may be possible and to provide a basis for such interim measures as may be found necessary.

3. The Washington Wheat Meeting has recognized that it is impracticable to convene at the present time the international wheat conference referred to above. Accordingly, the five countries present at that Meeting have agreed that the United States, so soon as after consultation with other countries it deems the time propitious, should convene a wheat conference of the

nations having a substantial interest in international trade in wheat which are willing to participate, and that the Draft Convention above mentioned should be submitted to that conference for consideration.

4. In the meantime there should be no delay in the provision of wheat for relief in war-stricken and other necessitous areas so soon as in the view of the five countries circumstances permit. Likewise it is imperative that the absence of control measures over the accumulation of stocks in the four countries now producing large quantities of wheat for markets no longer available should not create insoluble problems for a future conference. Accordingly, the five countries have agreed to regard as in effect among themselves, pending the conclusions of the conference referred to above, those arrangements described in the attached Draft Convention which are necessary to the administration and distribution of the relief pool of wheat and to the control of production of wheat other than those involving the control of exports.

5. If the conference contemplated above shall have met and concluded an agreement prior to the cessation of hostilities, no further action will be needed by the countries represented at the Washington Meeting. However, if this is not the case, it will be necessary, in order to prevent disorganization and confusion in international trade in wheat, to institute temporary controls pending the conclusions of the conference. Accordingly the five countries agree that in the period following the

¹ Filed with the Secretariat of the United Nations, No. 44, September 19, 1947.

cessation of hostilities and pending the conclusion of a wheat agreement at the conference referred to the arrangements described in the attached Draft Convention which relate to the control of production, stocks and exports of wheat and to the administration thereof will be brought into effect among themselves. Those arrangements will come into effect on such date as may be unanimously agreed. Announcement of that date will be made within six months after the cessation of hostilities.

6. Pending the conclusions of the conference contemplated above, the five countries, on the cessation of hostilities or such earlier date as they may agree, will regard as in effect among themselves the arrangements described in the attached Draft Convention for the control of the prices of wheat. The determination of prices required to be made in accordance with those arrangements will be made by unanimous consent. If no determination of prices has been made on the cessation of hostilities, the five countries will, pend-

ing such determination but for a period not exceeding six months, maintain as the export price of wheat the last price negotiated by the United Kingdom for a bulk purchase of wheat from the principal country of supply: equivalent f.o.b. prices will be calculated for wheats of the other exporting countries and will be adjusted from time to time to meet substantial changes in freight and exchange rates.

7. In taking any decisions under this Memorandum and the arrangements of the Draft Convention which it brings into operation each of the five countries will have one vote and a two-thirds majority will be required for decision except as otherwise provided herein.

8. The provisions of this Memorandum will be superseded by any agreement reached at the proposed wheat conference or by any arrangements which the five countries and other interested countries may make to deal with the period pending such a conference. In any event they are to terminate two years from the cessation of hostilities.

[Initialed:] A. M. V., for **Argentina**; E. McC., for **Australia**; C. F. W., for **Canada**; H. F. C., for the **United Kingdom**; L. A. W., for the **United States**.
WASHINGTON, April 22, 1942.

[ANNEX I]

Draft Convention

PREAMBLE

1. The prospects with regard to the production and marketing of wheat are such that accumulation of wheat surpluses threatens to result in grave post-war difficulties for the economies of the producing countries and hence, because of the interdependence of nations, for the economies of all countries. It is also to be expected that, unless appropriate action is taken, such accumulation will recur.

2. A solution of the problem thus presented must be regarded as an essential part of any program of world economic

reconstruction and will call for cooperative action by all countries concerned in international trade in wheat. It will involve national and international measures for the regulation of wheat production in both exporting and importing countries, for the orderly distribution of wheat and flour in domestic and international trade at such prices as are fair to consumers and provide a reasonable remuneration to producers and for the maintenance of world supplies which shall be at all times ample for the needs of consumers without being so excessive as

to create a world burden of unwanted surpluses.

3. Cooperative action is also necessary to meet the need for relief in the war-stricken areas of the world by the supply and distribution of gifts of wheat.

4. The benefits of abundant world supplies of wheat cannot be assured to consumers unless there is a substantial decrease in uneconomic incentives to high-cost production, a lowering of barriers to world trade and the charging of prices to consumers not substantially higher than the price of wheat in international trade.

5. In many countries the standard of living would be improved by increasing the consumption of wheat through a lowering of prices. In all countries the standard of living would be improved by stimulating the consumption of foods rich in vitamins, proteins and minerals. The increased production of such foods would offer a more valuable use for land which has at times been used uneconomically for high-cost production of wheat.

6. Producers of an international commodity such as wheat are directly affected by standards of living throughout the world, by international purchasing power and by prevailing policies and practices affecting international trade generally. There can be no basic solution of the problem of export surpluses without a general reduction of import barriers and no measure should be taken or maintained which has the effect of retarding such reduction or of preventing in any way the fullest possible development of international trade.

Accordingly the contracting Governments have agreed as follows:

ARTICLE I.—*Expansion of Trade*

1. The contracting Governments agree that an essential element of a solution of the world wheat problem is that consumers should have the opportunity and means of increasing their purchases of wheat from areas which are equipped to produce it economically. They agree that such opportunity and means depend not only on the lowering of barriers to the importation of wheat but also on making available to wheat importing countries increased outlets for the exportation of goods which they in turn are equipped to

produce economically. They agree that this requires the adoption and pursuit of national and international policies aimed at a fuller and more efficient use among nations of human and natural resources and thereby a world-wide expansion of purchasing power.

2. Recognizing therefore that much that is called for transcends the scope of a wheat agreement and requires action on a broad international basis, but that much also can be accomplished by national measures and by agreements with each other and with other countries, the contracting Governments undertake to further in every way possible the attainment of the foregoing objectives.

3. The Council shall from time to time submit to the contracting Governments a review of international trade in wheat and invite them to consider, in the light of the foregoing, what measures may be adopted for the expansion of such trade.

ARTICLE II.—*Production Control* *

1. The Governments of Argentina, Australia, Canada and the United States of America shall adopt suitable measures to ensure that the production of wheat in their territories does not exceed the quantity needed for domestic requirements and the basic export quotas and maximum reserve stocks for which provision is hereinafter made.

2. Should nevertheless production in any country be found to have exceeded in any crop-year the quantity above prescribed, the Government of that country shall before the end of that crop-year take such action as will result in the disappearance of the excess production within its territories before the end of the following crop-year or shall otherwise deal with such excess production as the Council may direct, except that if any part of the excess production is shown to the satisfaction of the Council to be due to a yield above the average of the preceding 20 years the Government of the country concerned may carry that part as provided in paragraph 3 (a) of Article III or deal with it in such other manner as may be agreed with the Council.

3. Pending the coming into force of paragraphs 1 and 2 of this Article, the Governments of Argentina, Australia,

* NOTE: This Article to be expanded, when further international consideration of the subject is possible, to include provisions for production control in other exporting countries and in importing countries.

Canada and the United States of America shall adopt or maintain positive measures to control production with the object of minimizing the accumulation of excessive stocks.

ARTICLE III.—*Stocks*

1. The Governments of Argentina, Australia, Canada and the United States of America shall, subject to the provisions of paragraphs 2, 3, 4 and 5 of this Article, ensure that stocks of old wheat held at the end of their respective crop years are not less than 35, 25, 80 and 150 million bushels respectively, and not more than 130, 80, 275 and 400 million bushels respectively. Any stocks not in excess of the specified maximum are hereinafter called "reserve stocks".

2. Stocks of old wheat in any country may be permitted to fall below the specified minimum (a) if the new crop together with the carry-over from the previous crop-year is insufficient to meet domestic requirements and leave at the end of that crop-year the minimum reserve stocks specified, in which case those stocks may be reduced by the amount necessary fully to meet domestic requirements, and (b) in so far as the Council decides that exports from the minimum reserve stocks of that country are required fully to meet the world demand for imported wheat.

3. Stocks of old wheat may exceed the maximum by (a) the quantity of permitted excess stocks ascertained under paragraph 4 of this Article and (b) the quantity of permitted surplus stocks ascertained under paragraph 5 of this Article.

4. Such part of excess production in the first crop-year in which it occurs following the crop-year in which Article IV comes into force as may be shown under paragraph 2 of Article II to be due to above average yields shall be permitted excess stocks at the end of that crop-year. The permitted excess stocks at the end of each succeeding crop-year shall be ascertained by the Council by deducting from the permitted excess stocks, if any, at the end of the preceding crop-year any quantity by which production in the crop-year then ending was less than the maximum prescribed in paragraph 1 of Article II or by adding thereto such part of any excess production in that crop-year as may be shown under paragraph 2 of Article II to be due to above average yields.

5. Stocks in excess of the maximum, as ascertained by the Council, at the end of the crop-year in which announcement is made of the date on which the provisions of Articles II, III and IV will come into effect shall be permitted surplus stocks, unless that announcement is made less than 45 days prior to the beginning of the seeding period for the next harvest in which case stocks in excess of the maximum at the end of the succeeding crop-year shall be permitted surplus stocks. Permitted surplus stocks at the end of each succeeding crop-year shall be ascertained by the Council by deducting from the permitted surplus stocks at the end of the preceding crop-year (a) any secondary or supplementary export quotas allocated in the crop-year then ending and (b) any quantity by which production in that crop-year plus the permitted excess stocks at the end of the preceding crop-year was less than the maximum production prescribed in paragraph 1 of Article II.

6. Should it be shown to the satisfaction of the Council that, owing to insufficient or defective storage facilities, any part of the permitted surplus stocks in any country has been destroyed or has been disposed of by governmental measures in a manner clearly constituting extraordinary use such part shall nevertheless be counted as permitted surplus stocks for the purposes of paragraphs 3 and 4 of Article IV so long as any other permitted surplus stocks remain in that country.

7. The Council shall (a) at its regular August meeting ascertain the permitted surplus stocks in Canada and the United States of America at the end of their preceding crop-years and estimate such stocks in Argentina and Australia at the end of their current crop-years, and (b) at its regular January meeting ascertain the permitted surplus stocks in Argentina and Australia at the end of their preceding crop-years and estimate such stocks in Canada and the United States of America at the end of their current crop-years.

ARTICLE IV.—*Export Control*

1. The contracting Government of each exporting country shall adopt the measures necessary to ensure that net exports of wheat, including flour expressed in terms of its wheat equivalent, from its territories in each quota-year shall not, subject to the provisions of paragraph 11

of this Article, exceed the basic, secondary and supplementary export quotas for which provision is hereinafter made. It is recognized in principle that, within the framework of this Agreement, wheat from each exporting country should continue to find its way into its normal markets.

2. The basic export quotas for Argentina, Australia, Canada and the United States of America shall, subject to the provisions of paragraph 3 of this Article, be 25, 19, 40 and 16 percent respectively of the Council's latest published estimate of the total volume of international trade in wheat and flour in each quota-year less (a) such basic export quotas for other exporting countries as may be agreed under Article XIV and (b) reasonable allowances, having due regard to exports in past years, for net exports from the territories of Governments not parties to the Agreement.

3. Should the residual quantity ascertained under paragraph 2 of this Article exceed 500 million bushels in any quota-year, the excess shall be allocated to Argentina, Australia, Canada and the United States of America as secondary export quotas. Allocations made in the first half of the quota-year shall be in proportion to permitted surplus stocks as determined under paragraph 7 (a) of Article III and allocations made in the second half of the quota-year shall be in proportion to permitted surplus stocks as determined under paragraph 7 (b) of Article III. Should there be no permitted surplus stocks in any of those four countries the excess shall be allocated to those countries as secondary export quotas in proportion to their basic export quotas.

4. If the Council is satisfied that any part of any country's export quota or of the allowance made for its exports for any quota-year will not be exported by that country in that quota-year, it shall, subject to the provisions of paragraph 6 of this Article, re-allocate that part as supplementary export quotas to the other exporting countries in accordance with the procedure prescribed in paragraph 3 of this Article for the allocation of secondary export quotas. Should there be no permitted surplus stocks in any of those countries that part shall, unless the Council otherwise decides, be re-allocated as supplementary export quotas to those of the other exporting countries which have

percentage export quotas in proportion to those quotas.

5. No decisions taken by the Council pursuant to paragraph 4 of this Article shall prejudice the right of any country to export its full export quota within the quota-year to which it relates.

6. Should it be shown to the satisfaction of the Council that the failure of any country to ship any part of its export quota during the first quota-year is due to shortage of shipping, the amount of the supplementary export quotas allocated to other countries in respect of such part shall be deducted from the basic export quotas of those countries for the second quota-year and added to the aforementioned country's basic export quota for the second quota-year.

7. No export quota or part thereof shall be exported in any quota-year other than that to which it relates, except as otherwise provided in this Article. Should it nevertheless be shown to the satisfaction of the Council that, owing to unavoidable delay in the arrival or departure of ships, part of an export quota had not been shipped at the end of the quota-year that part may be shipped in the following quota-year but shall be deemed to have been shipped in the quota-year to which it relates.

8. No export quota or part thereof shall be ceded, transferred or loaned by any country except as provided in this Article or with the unanimous approval of the contracting Governments of exporting countries.

9. When it appears that any country is approaching the limit of its export quota, the Chairman of the Council on the recommendation of the Executive Committee shall request the Government of that country to control loadings for export during the remainder of the quota-year and to telegraph each week to the Council the gross exports and gross imports of wheat and of wheat flour from and into its territories during the preceding week.

10. When the Chairman of the Council after consultation with the Executive Committee finds that any country has exported its export quota for any quota-year he shall immediately make a declaration to that effect. The contracting Government of the exporting country concerned shall thereupon announce that the exportation of wheat or flour from its territories will not be permitted after

seven days from the date of the Chairman's declaration and the contracting Government of each importing country shall not permit the importation into its territories of wheat or flour shipped from that exporting country during the current quota-year more than seven days after the date of the Chairman's declaration.

11. Should it be found that, owing to practical difficulties of closely controlling shipments, exports from any country have exceeded its export quota, that country shall not be deemed to have infringed the provisions of paragraph 1 of this Article so long as the excess is not more than 5 percent of the quota, but the amount of that excess up to 3 percent of the quota and three times the amount of that excess above 3 percent of the quota shall be deducted from that country's export quota for the following quota-year.

12. The contracting Governments recognize that international trade in wheat should be distributed on a fair and equitable basis among all countries which export wheat and they agree that the effective operation of the Agreement should not be impaired by abnormal exports from countries that have not acceded to it. Accordingly the contracting Governments shall cooperate in taking, on the advice of the Council, such practicable measures as may be necessary to attain this end.

ARTICLE V.—*Price Control*

1. The Council shall fix and publish prior to the coming into force of Article IV and thereafter at each regular August meeting a basic minimum price and a basic maximum price of wheat, c.i.f. United Kingdom ports, and schedules of prices, c.i.f. and/or f.o.b., equivalent thereto for the various wheats sold in world markets. These prices shall take effect on such date as may be determined by the Council and shall remain in force until the effective date of the prices fixed by the Council at its next regular August meeting but shall be subject to such adjustments as the Council may find necessary to meet substantial changes in freight or exchange rates or as may be made in accordance with the provisions of paragraph 3 of this Article.

2. The prices fixed under paragraph 1 of this Article shall be such as will in the opinion of the Council (a) return reasonably remunerative prices to producers in exporting countries, (b) be fair to con-

sumers in importing countries, (c) be in reasonable relationship to prices of other commodities and (d) make appropriate allowance for exchange rates and transportation costs.

3. Should the Council so decide the basic minimum and maximum prices of wheat and the schedules of prices equivalent thereto shall be adjusted at monthly or other intervals to allow for carrying charges.

4. The Governments of Argentina, Australia, Canada and the United States of America shall not, after the coming into force of paragraph 1 of this Article, sell or permit the sale of wheat for export, or to millers for producing flour for export, at prices below the minimum equivalents fixed by the Council under paragraph 1 or 3 of this Article.

5. The Governments of Argentina, Australia, Canada and the United States of America shall ensure that wheat for export is at all times on sale at f.o.b. prices not in excess of the maximum equivalents fixed by the Council under paragraph 1 or 3 of this Article.

ARTICLE VI.—*Relief Pool*

1. The Governments of Argentina, Australia, Canada, the United Kingdom and the United States of America shall establish a pool of wheat which will be available for intergovernmental relief in war-stricken countries and other necessitous areas of the world, where circumstances in the view of those Governments make such relief practicable.

2. The Governments of Canada, the United Kingdom and the United States of America shall give to the pool, as and when required by the Council, 25, 25 and 50 million bushels respectively of wheat, or its equivalent in whole or part in flour, f.o.b. seaboard port in the country of origin.

3. The Governments of Argentina, Australia, Canada and the United States of America shall, as and when required by the Council, give to the pool in addition to the contributions prescribed in paragraph 2 of this Article a quantity of wheat or its equivalent in whole or part in flour, f.o.b. seaboard port, to be determined by them in consultation with the Council and on such basis as may be agreed among them.

4. The Council shall be responsible for the administration of the relief pool and

shall, wherever possible, arrange for the distribution of relief wheat through such intergovernmental relief body as may be set up and given general responsibility for the distribution of relief. Should the Council decide to make relief wheat or flour available to any necessitous area in which the intergovernmental relief body has not the organization necessary for the distribution of such wheat or flour the Council shall arrange with the appropriate authorities to distribute such wheat or flour in that area. Any arrangements for the distribution of relief wheat shall be such as to minimize, so far as the provision of sufficient relief permits, the reduction of the effective demand for wheat on sale.

5. The United Kingdom Government may, if so agreed by the Council after consultation with the intergovernmental relief body, contribute transportation of relief wheat or flour in lieu of part or all of its contribution under paragraph 2 of this Article.

6. Any contributing Government shall, if the Council after consultation with the intergovernmental relief body so requests and upon such terms of replacement as may be agreed with the Council, make, pending the arrival of contributions by other Governments, advances of such wheat or flour as that Government may consider practicable to release for immediate relief.

7. Should the Council consider or be advised by the intergovernmental relief body that the quantity of relief wheat contributed under paragraphs 2, 3 and 5 of this Article appears likely to prove insufficient, the Council shall make recommendations to the contracting Governments regarding additional contributions.

8. The Council shall instruct the Executive Committee (a) to facilitate the transfer of relief wheat and flour from the national wheat-handling organizations of the contributing Governments to the intergovernmental relief body, (b) to maintain effective liaison between the national wheat-handling and shipping organizations of the contributing Governments and international shipping and transport controls and (c) generally to consult with the intergovernmental relief body regarding all transactions relating to the relief pool.

9. Should the Council receive, at any

time after the completion of the relief to which the provisions of paragraphs 1 to 8 of this Article relate, an appeal for relief wheat or flour from any Government to relieve famine in any area within the jurisdiction of that Government, the Council shall investigate the possibilities of meeting such an appeal and report to the contracting Governments its findings together with its recommendations.

ARTICLE VII.—*The Council**

1. This Agreement shall be administered by an International Wheat Council consisting of one or more delegates of each contracting Government.

2. The Council shall have the powers specifically assigned to it under the Agreement and such other powers as are necessary for the effective operation of the Agreement and for the carrying out of its provisions.

3. The Council may, by unanimity of the votes cast, delegate the exercise of any of its powers or functions to such persons or bodies as it thinks fit.

4. The Council shall elect, for such periods and upon such conditions as it may determine, a Chairman and a Vice Chairman, who need not be delegates of contracting Governments.

5. The Council shall appoint a Secretary and such other employees as it considers necessary and determine their powers, duties, compensation and duration of employment.

6. The seat of the Council shall be in London unless the Council should otherwise determine.

7. The Council shall meet in January and August of each year and at such other times as it may determine. The Chairman shall convene a meeting of the Council if so requested (a) by the Executive Committee or (b) by the delegates of five contracting Governments or (c) by the delegates of contracting Governments with a total of not less than — votes.

8. Notices of all meetings shall be dispatched so as to ensure receipt by delegations of contracting Governments at least fourteen days in advance of the date fixed for the meeting.

9. Any contracting Government may designate the delegation of any other contracting Government to represent it and to vote on its behalf at any meeting of the

* NOTE: This Article to be expanded, when further international consideration of the subject is possible, to include provisions for voting.

Council or on any particular question. The terms of any such delegation of authority shall be communicated in writing by the delegating Government to the Chairman of the Council.

10. The Council may take decisions, without holding a meeting, by correspondence between the Chairman and the delegations of the contracting Governments, unless any delegation objects. Any decisions so taken shall be communicated forthwith to all the delegations and shall be recorded in the Minutes of the next meeting of the Council.

11. The Council shall make at the earliest practicable date all possible arrangements with international shipping controls to facilitate the exportation of wheat.

12. The Council shall instruct the Executive Committee (a) to cooperate with bodies engaged in the task of improving human nutrition, (b) to investigate the possibilities of increasing wheat consumption and (c) to examine and report upon any proposals made to the Council by any contracting Government designed to facilitate the attainment of the objectives of the Agreement.

13. The Council shall ascertain and make public the carry-over of wheat in Argentina, Australia, Canada and the United States of America at the end of each of their respective crop-years.

14. The Council shall, upon the request of any contracting Government of an exporting country, investigate the possibility of meeting the needs of that country for wheat storage facilities to maintain in a good state of preservation such stocks of wheat as may accumulate prior to the coming into force of Article IV. The Council shall report to the contracting Governments its findings together with its recommendations.

15. The Council shall at its regular August meeting make and publish, with such detail as it considers desirable, an estimate of the total volume of international trade in wheat and flour in the current quota-year and shall from time to time review that estimate and publish such revised estimates as it may make.

16. The Council shall publish an annual report on the operation of the Agreement which shall include a summary of relevant statistics and such other material as the Council may determine. The Council may authorize the publication of

such other reports as it considers appropriate. Reports shall be published in English and in any other languages that the Council may determine.

17. Pending the establishment of the Executive Committee under Article VIII, the Council shall itself perform the functions assigned by the Agreement to that Committee.

18. The Council may arrange to take over the assets and liabilities of the Wheat Advisory Committee upon the dissolution of that body on such terms as may be agreed with it.

ARTICLE VIII.—*The Executive Committee*

1. The Council shall, when it considers it desirable to do so, establish an Executive Committee which shall work under its general direction.

2. The Chairman of the Executive Committee shall be appointed by the Council for such period and upon such conditions as it may determine. He need not be a delegate of a contracting Government to the Council or a member of the Committee.

3. The Secretary of the Council shall be the Secretary of the Executive Committee.

4. In addition to the specific duties for which provision is made in this Agreement, the Executive Committee shall be charged with the general duty of keeping under review the working of the Agreement and of reporting to the Council from time to time on the manner in which the provisions of the Agreement are being carried out.

5. The Executive Committee may be convened at any time by its Chairman.

6. The decisions of the Executive Committee shall be taken by a simple majority of the total votes held by its members.

ARTICLE IX.—*Reports to the Council*

1. Each contracting Government shall make to the Council such reports as the Council may from time to time request on the action which that Government has taken to carry out the provisions of this Agreement.

2. Each contracting Government shall upon request telegraph each month to the Council the gross exports and gross imports of wheat and of wheat flour from and into its territories in the preceding month, and shall supply such other information as the Council may from time

to time request for the purposes of the Agreement.

ARTICLE X.—*Finance*

1. The contracting Governments shall share proportionally to the votes which they hold in the Council any expenses incurred by the Council in administering this Agreement.

2. The Council shall at its first meeting approve its budget for the period prior to the first day of the month of August after its first regular January meeting and assess the contribution to be paid by each contracting Government for that period.

3. The Council shall at each regular January meeting approve its budget for the following August-July period and assess the contribution to be paid by each contracting Government for that period.

4. The initial contribution of any Government acceding to the Agreement after the first meeting of the Council shall be assessed proportionally to the number of its votes in the Council and to the number of full months between its accession and the beginning of the first August-July period for which it is assessed under the provisions of paragraph 3 of this Article, but the assessments already made upon other Governments shall remain unaltered.

5. The Council shall publish an audited statement of all moneys received and paid out during the period referred to in paragraph 2 of this Article and during each August-July period thereafter.

6. Consideration shall be given by each contracting Government to the possibility of according to the funds of the Council and to the salaries paid by the Council to its employees who are nationals of other countries treatment in respect of taxation and of foreign exchange control no less favourable than that accorded by such Government to the funds of any other Government and to salaries paid by any other Government to any of its accredited representatives who are its nationals.

7. The Council shall determine the disposal, on the termination of the Agreement, of any funds which remain after meeting its obligations.

ARTICLE XI.—*Date Upon Which the Agreement Comes Into Force**

* NOTE: The text of this Article to be determined when further international consideration of the subject is possible.

ARTICLE XII.—*Duration of the Agreement*

This Agreement shall remain in force for four years after the last day of the month of July following the date upon which it comes into force. The Council shall inquire of the contracting Governments at least six months before the Agreement is due to expire whether they desire to continue it and shall report to the contracting Governments the results of such inquiry together with its recommendations.

ARTICLE XIII.—*Relation to Other Agreements*

1. So long as this Agreement remains in force it shall prevail over any provisions inconsistent therewith which may be contained in any other agreement previously concluded between any of the contracting Governments.

2. Should any contracting Government be party to an agreement with a non-contracting Government containing any provision inconsistent with this Agreement, that contracting Government shall take all reasonable steps to procure the necessary amendment of such agreement at the earliest date which it deems practicable.

ARTICLE XIV.—*Accessions*

This Agreement shall at any time be open to accession by the Government of any country on the terms contained therein so far as they are applicable to that Government and on such other terms not inconsistent therewith as may be agreed with the Council. It shall accede as the Government either of an exporting country or of an importing country as may be agreed with the Council and if it accedes as the Government of an exporting country it shall have such basic export quota as may be agreed with the Council.

ARTICLE XV.—*Withdrawals*

1. The contracting Government of any country which considers its national security endangered as a result of hostilities may apply to the Council for the suspension of any of its obligations under Articles II, III, IV and V of this Agreement. If the application is not granted within 30 days after the date thereof, such Government may within 15 days after the end

of that period withdraw from the Agreement on written notice to the Council.

2. If it is shown to the satisfaction of the Council that the Government of Argentina, of Australia, of Canada or of the United States of America has failed to carry out its obligations under paragraph 1 of Article IV or paragraph 4 of Article V, the contracting Government of any exporting country may within 90 days withdraw from the Agreement on 30 days' written notice to the Council.

3. If the Government of Argentina, of Australia, of Canada or of the United States of America withdraws from the Agreement, the Agreement shall thereupon terminate, unless the Council, by three-fourths of the total votes held in the Council, decides to maintain the Agreement with whatever modifications it may deem necessary.

ARTICLE XVI.—*Territories*

1. The rights and obligations under this Agreement of the Government of Argentina apply to the Customs territory thereof; those of the Government of Australia to Australia and her territories; those of the Government of Canada to the Customs territory thereof; those of the Government of the United Kingdom of Great Britain and Northern Ireland to Great Britain and Northern Ireland; and those of the Government of the United States of America to the Customs territory thereof.

2. In the event of the Government of any other country acceding to the Agreement under Article XIV, the Council shall agree with the said acceding Government as to the territories to which the rights and obligations of the said acceding Government under the Agreement shall apply.

ARTICLE XVII.—*Definitions*

For the purposes of this Agreement:

1. "Bushel" means sixty pounds avoirdupois.

2. "Carrying charges" means the costs incurred for storage, interest and insurance in holding wheat.

3. "Carry-over" means the aggregate of the stocks in any country, as ascertained by the Council under paragraph 13 of Article VII, of old wheat at the end of the crop-year held (a) in all elevators, warehouses and mills, (b) in transit or at railroad sidings and (c) on farms, except

that in the case of Canada "carry-over" means in addition the stocks of wheat of Canadian origin held in bond in the United States of America.

4. "Council" means the International Wheat Council for which provision is made in Article VII.

5. "Crop-year" means in respect of Argentina and Australia, the period from December 1 to November 30; in respect of Canada, the period from August 1 to July 31; and in respect of the United States of America, the period July 1 to June 30.

6. "Domestic requirements" means all use of wheat and flour during any crop-year within the territories of each contracting Government for human and animal consumption, for industrial purposes, and for seed, and waste.

7. "Equivalent", with reference to the measurement of flour in terms of wheat, means a quantity calculated in the ratio of such number of pounds of flour to 100 pounds of wheat as the Council shall determine.

8. "Executive Committee" means the Executive Committee established by the International Wheat Council under Article VIII.

9. "Exporting country" means Argentina, Australia, Canada, the United States of America or any country that may accede as such to the Agreement under Article XIV.

10. "Export quota" means basic export quota together with any secondary or supplementary export quota allocated under Article IV.

11. "Extraordinary use" means use which the Council is satisfied would not have taken place but for the governmental measures referred to in paragraph 6 of Article III.

12. "Gross exports" means the total quantity of wheat, including flour expressed in terms of its wheat equivalent, shipped from the territories of any Government, except that in the case of Canada "gross exports" means the overseas clearances of Canadian wheat from seaboard ports in Canada and the United States of America, plus imports of wheat from Canada into the United States of America for consumption and for milling in bond, plus flour expressed in terms of its wheat equivalent shipped from Canadian territories.

13. "Gross imports" means the total

quantity of wheat, including flour expressed in terms of its wheat equivalent, imported into the territories of any Government.

14. "Importing country" means the United Kingdom or any country that may accede as such to the Agreement under Article XIV.

15. "Net exports" means gross exports minus gross imports.

16. "Net imports" means gross imports minus gross exports.

17. "New crop" means wheat harvested not more than two months prior to the beginning of the current crop-year.

18. "Old wheat" means wheat harvested more than two months prior to the beginning of the current crop-year.

19. "Quota-year" means the period ending July 31 following the date upon which the Agreement comes into force and thereafter the period from August 1 to July 31.

20. "Seaboard port" means any sea or river port at which a sea-going ship of 6000 tons gross can load.

21. "Shipped" means transported in any manner.

22. "Territories" means territory, or group of territories, to which the rights and obligations of the Agreement apply in accordance with the provisions of Article XVI.

23. "The beginning of the seeding period for the next harvest" means in respect of Argentina, May 1; in respect of Australia and Canada, April 1; and in respect of the United States of America, September 1.

24. "Total volume of international trade in wheat and flour" means the aggregate of the net export from each country of the world.

25. "Wheat Advisory Committee" means the Committee established under the Final Act of the Conference of Wheat Exporting and Importing Countries held in London at the Offices of the High Commissioner for Canada, from August 21 to 25, 1933.

26. "Yield" means quantity of production per unit of sown area.

[ANNEX II]

Minutes of the Final Session of the Washington Wheat Meeting

The officials of the five countries participating in the Washington Wheat Meeting record as follows their understanding regarding certain provisions of the Memorandum of Agreement entered into pursuant to that Meeting:

1. The arrangements referred to in paragraph 4 of the Memorandum, relating to the relief pool of wheat and to the control of production, mean the following provisions of the Draft Convention attached thereto: paragraph 3 of Article II (Production Control), Articles VI (Relief Pool), VII (The Council) except paragraph 6, X (Finance), XVII (Definitions) and, should the Council at any time so decide, Article VIII (The Executive Committee).

2. The arrangements referred to in paragraph 5 of the Memorandum, relating to the control of production, stocks and exports and to the administration thereof, mean the following provisions of the Draft Convention, in addition to Articles VII (except paragraph 6), VIII, X and XVII referred to above: paragraphs 1 and 2 of Article II (Production Control),

Article III (Stocks), Article IV (Export Control) except the provisions of paragraphs 10 and 12 relating to the obligations of importing countries since those provisions are not regarded as essential to the interim measures contemplated in the Memorandum, Article IX (Reports To The Council) and Article XVI (Territories).

3. The words "cessation of hostilities" in the Memorandum mean the earliest date at which none of the five countries is engaged in substantial belligerent operations.

4. The words "arrangements described in the attached Draft Convention" in paragraph 6 of the Memorandum mean the provisions of Article V of the Draft Convention.

5. The words "equivalent f.o.b. prices" which will be calculated for wheats of the other exporting countries under paragraph 6 of the Memorandum mean the prices of Argentine, Australian and United States wheats which will be ascertained by the unanimous vote of the Council as equivalent to the last price

negotiated by the United Kingdom for a bulk purchase of wheat from Canada.

6. The seat of the Council will be in Washington during the period in which the Memorandum of Agreement is in force, unless the Council should otherwise determine.

7. The Minutes of the Washington Wheat Meeting, together with the Reports of its Committees, will be available for the information of the Council during the period in which the Memorandum of Agreement is in force.

8. The English texts of the Memorandum of Agreement and of the present Minutes have been initialled by Anselmo M. Viacava, Edwin McCarthy, Charles F. Wilson, Harold F. Carlill, and Leslie A.

Wheeler, officials of Argentina, Australia, Canada, the United Kingdom and the United States respectively, as competent experts in a position to reflect the views of their respective Governments. The Memorandum, the Draft Convention and the present Minutes will be transmitted in English and Spanish by the Government of the United States to the other four Governments for their approval. So soon as the approval of the five Governments has been notified to each of them the provisions of the Memorandum of Agreement will be deemed to come into effect and the Memorandum of Agreement together with the Draft Convention attached thereto and the present Minutes will be made public.

[Initials and date identical with those affixed to the Memorandum of Agreement.]

No. 615

**AGREEMENT concerning the Division of the Property of the
"Former" Yugoslav State. Signed at Berlin, July 22, 1942.**

**ACCORD concernant la division de la propriété de "l'ancien" état
yougoslave. Signé à Berlin, 22 juillet 1942.**

EDITOR'S NOTE. This Agreement between Bulgaria, Croatia, Germany, Hungary, and Italy regulated property questions resulting from the abortive transfers of Yugoslav territory to these states. It was accompanied by two protocols concerning the Yugoslav National Bank. Italy, *Gazzetta ufficiale*, 1943, No. 55, pp. 864, 865. It was followed by three instruments of September 2, 1943—an agreement and a protocol on social insurance funds, and a protocol concerning other Yugoslav banks. Official Journal of Bulgaria (*Drzhaven Vestnik*), February 24, 1944, No. 43, pp. 2, 16; 4 Croatia, *Zbornik Zakona* (1944), Nos. 7-9, p. 216. Under Article 75 of the treaty of peace with Italy of February 10, 1947, Italy agreed to return property removed from the territory of any of the United Nations, and, in accordance with Annex XIV to that treaty, the successor states received Italian "State and para-statal property" within territories ceded to them; see also Article 22 of the treaty of peace with Bulgaria and Article 24 of the treaty of peace with Hungary. *U.S. Treaties and Other International Acts Series*, Nos. 1648, 1650, and 1651.

RATIFICATIONS. On April 21, 1943, ratifications of this Agreement had been deposited by the signatory states.

BIBLIOGRAPHY. The text of this Agreement is published in German *Reichsgesetzblatt*, 1943, Part II, pp. 154-65; Italian *Raccolta ufficiale delle leggi e dei decreti*, 1942, Vol. V, pp. 3921-45.

Anon., "Patrimoine de l'ex-Etat yougoslave," 19 *Revue des lois, décrets et traités de commerce* (1943), pp. 323-24.

Entered into force April 21, 1943.

[Text not reproduced.]

No. 616

PROTOCOL concerning the 1937 Agreement on the Regulation of Production and Marketing of Sugar. Opened for signature at London, July 22, 1942.

PROTOCOLE concernant l'Accord de 1937 pour la réglementation de la production et de l'écoulement du sucre sur le marché. Ouvert à la signature à Londres, 22 juillet 1942.

EDITOR'S NOTE. This Protocol continued in force the London agreement on sugar of May 6, 1937 (No. 479, *ante*), which had entered into force provisionally on September 1, 1937. The extension had been recommended by the International Sugar Council. The duration of the 1937 agreement was further extended by protocols of August 31, 1944, August 31, 1945, August 30, 1946, August 29, 1947, and August 31, 1948. Agreements concerning sugar had previously been concluded at Paris in 1864, at Brussels in 1875, at London in 1888, and at Brussels in 1902, 1907, and 1912. 54 *Br. and For. St. Papers*, p. 29; 66 *idem*, p. 1070; 79 *idem*, p. 250; 95 *idem*, p. 6; 100 *idem*, p. 482; 105 *idem*, p. 392.

SIGNATURES. Most of the signatures to this Protocol were affixed on July 22, 1942. Brazil and Portugal signed it on August 28, 1942.

BIBLIOGRAPHY. The text of this Protocol is also published in *Br. Parl. Papers*, Misc. No. 1 (1942), Cmd. 6395; 7 *U.S. Department of State Bulletin* (1942), p. 679; International Labor Office, *Intergovernmental Commodity Control Agreements* (Montreal, 1943), p. 45. The text and a French translation are published in 112 *Moniteur belge* (1942), pp. 430-32.

M. H. El-Gamal, *Le problème international du sucre* (Paris, 1941), 402 pp.; H. E. Friedlaender, *Los convencios azucareros de Bruselas de 1931 y de Londres de 1937* (Habana, 1941), 68 pp.; V. Gutiérrez Valladón, *Estudios sobre problemas azucareros* (Habana, 1944), 173 pp.; E. Hexner, *International Cartels* (Chapel Hill, 1945), pp. 189-95; J. Mulliken, "International Cooperation in Sugar," 16 *U.S. Department of State Bulletin* (1947), pp. 43-46, 78; K. Wilk, "The International Sugar Régime," 33 *Am. Pol. Sci. Rev.* (1939), pp. 860-78; U.S. Department of State, *International Agencies in Which the United States Participates* (Washington, 1946; Publ. 2699), pp. 84-90; P. L. Yates, *Commodity Control* (London, 1945), pp. 48-66.

Entered into force July 22, 1942.

Text from *U.S. Treaty Series*, No. 990.

Whereas an Agreement regarding the Regulation of Production and Marketing of Sugar (hereafter referred to as the Agreement) was signed in London on the 6th May, 1937; and

Whereas Article 48 of the Agreement provides as follows:

"(a) The present Agreement shall come into force on the 1st September, 1937, if at that date it has been ratified by all the signatory Governments;

"(b) If by the above-mentioned date the instruments of ratification

of all the signatories have not been deposited, the Governments which have ratified the Agreement may decide to put it into force among themselves"; and

Whereas the ratifications of all the signatories were not deposited by the 1st September, 1937; and

Whereas the Agreement has been ratified by the Governments of the following countries:

Union of South Africa, Commonwealth of Australia, Brazil, Belgium, United Kingdom of Great Britain and Northern Ireland, Cuba, Czecho-

slovakia, Dominican Republic, Germany, Haiti, Hungary, India, Netherlands, Peru, Poland, Portugal, Union of Soviet Socialist Republics, United States of America; and

Whereas it seems desirable that the said Agreement should be put in force between those Governments which have ratified it,

Now, therefore, the undersigned being duly authorised by their respective Governments have agreed as follows:

Article 1. The Agreement shall be regarded as having come into force in respect of the Governments signatories of the present Protocol, on the 1st September, 1937.

Art. 2. After the 31st August, 1942, the Agreement shall continue in force among the said Governments

for a period of two years from that date.

Art. 3. The present Protocol shall bear this day's date and shall remain open for signature until the 31st August, 1942. It shall take effect in respect of each signatory Government on the date of signature.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed the present Protocol.

Done in London on the 22nd day of July, 1942, in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, and of which certified copies shall be furnished to the signatory Governments.

[Signed:] For the Government of the **Union of South Africa**: SIDNEY F. WATERSON; for the Government of the **Commonwealth of Australia**: S. M. BRUCE; for the Government of **Brazil**: J. C. DE ALENCAR NETTO; for the Government of **Belgium**: P. KRUNACKER; for the Government of the **United Kingdom of Great Britain and Northern Ireland**: ANTHONY EDEN; for the Government of the **Republic of Cuba**: G. DE BLANCK; for the Government of **Czechoslovakia**: V. JANSÁ; for the Government of the **Dominican Republic**: R. PÉREZ-ALFONSECA; for the Government of **Haiti**: JOHN G. WINANT; for the Government of the **Netherlands**: E. MICHIELS v. VERDUYNEN; for the Government of **Peru**: E. LETTS S.; for the Government of **Portugal**: ARMINDO MONTEIRO; for the Government of the **Union of Soviet Socialist Republics**: J. MAISKY; for the Government of the **United States of America**: JOHN G. WINANT; (In respect of the **Commonwealth of the Philippines**): JOHN G. WINANT.

No. 616a

Protocol concerning the 1937 Agreement on the Regulation of Production and Marketing of Sugar. Opened for signature at London, August 31, 1944.

Protocole concernant l'Accord de 1937 pour la réglementation de la production et de l'écoulement du sucre sur le marché. Ouvert à la signature à Londres, 31 août 1944.

EDITOR'S NOTE. This Protocol continued in force the London agreement of May 6, 1937 (No. 479, *ante*), as prolonged by the protocol of July 22, 1942 (No 616, *ante*). The duration of the agreement was further extended for one-year periods by similar protocols of August

31, 1945, August 30, 1946, August 29, 1947, and August 31, 1948. *U.S. Treaties and Other International Acts Series*, Nos. 1523, 1614, and 1755; *British Treaty Series*, No. 73 (1948), Cmd. 7542.

RATIFICATIONS. Only the United States signed this Protocol subject to ratification; its ratification of March 9, 1945, was deposited with effect as from August 31, 1944.

BIBLIOGRAPHY. The text of this Protocol is also published in *British Treaty Series*, No. 45 (1946), Cmd. 6949, p. 2.

Entered into force August 31, 1944.

Text from *U.S. Treaty Series*, No. 990.

Whereas an International Agreement regarding the Regulation of the Production and Marketing of Sugar (hereinafter referred to as "the Agreement") was signed in London on the 6th May, 1937;

And whereas by a Protocol signed in London on the 22nd July, 1942, the Agreement was regarded as having come into force on the 1st September, 1937, in respect of the Governments signatory of the Protocol;

And whereas it was provided in the said Protocol that the Agreement should continue in force between the said Governments for a period of two years after the 31st August, 1942;

Now, therefore, the Governments signatory of the present Protocol, considering that it is expedient that the Agreement should be prolonged for a further term as between themselves, subject, in view of the present emergency, to the conditions stated below, have agreed as follows:

Article 1. Subject to the provisions of Article 2 hereof, the Agreement shall continue in force between the Governments signatory of this Protocol for a period of one year after the 31st August, 1944.

Art. 2. During the period specified in Article 1 above the provisions of Chapters III, IV and V of the Agreement shall be inoperative.

Art. 3.—1. The Governments signatory of the present Protocol recognise that revision of the Agree-

ment is necessary and should be undertaken as soon as the time appears opportune. Discussion of any such revision should take the existing Agreement as the starting point.

2. For the purposes of such revision due account shall be taken of any general principles of commodity policy embodied in any agreements which may be concluded under the auspices of the United Nations.

Art. 4. Before the conclusion of the period of one year specified in Article 1 the contracting Governments, if the steps contemplated in Article 3 have not been taken, will discuss the question of a further renewal of the Agreement.

Art. 5. The present Protocol shall bear the date the 31st August, 1944, and shall remain open for signature until the 30th September, 1944; provided however that any signatures appended after the 31st August, 1944, shall be deemed to have effect as from that date.

IN WITNESS WHEREOF the undersigned being duly authorised thereto by their respective Governments have signed the present Protocol.

Done in London on the 31st day of August, 1944, in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, and of which certified copies shall be furnished to the signatory Governments.

[Signed:] For the Government of the Union of South Africa: DENEYS REITZ; for the Government of the Commonwealth of Australia: S. M.

BRUCE; for the Government of **Belgium**: VTE DE LANTSHEERE; for the Government of **Brazil**: MONIZ DE ARAGÃO; for the Government of the **United Kingdom of Great Britain and Northern Ireland**: ANTHONY EDEN; for the Government of the **Republic of Cuba**: G. DE BLANCK; for the Government of **Czechoslovakia**: DR. V. JANSÁ; for the Government of the **Dominican Republic**: R. PÉREZ-ALFONSECA; for the Government of **Haiti**: JOHN G. WINANT; for the Government of the **Netherlands**: E. TEIXEIRA DE MATTOS; for the Government of **Peru**: F. BERCKEMEYER; for the Government of **Portugal**: PALMELLA; for the Government of the **Union of Soviet Socialist Republics**: F. GOUSEV; for the Government of the **United States of America**: JOHN G. WINANT, subject to ratification; (In respect of the **Commonwealth of the Philippines**): JOHN G. WINANT; for the Government of **Poland**: Z. MERDINGER.

No. 617

TREATY concerning the Reorganization of the Danube-Sava-Adriatic Railway Company. Signed at Brioni, August 10, 1942.

TRAITÉ concernant la réorganisation de la Compagnie des Chemins de Fer Danube-Save-Adriatique. Signé à Brioni, 10 août 1942.

EDITOR'S NOTE. This Treaty between Croatia, Germany, Italy, and Hungary, and the accompanying agreement between these states and the Danube-Sava-Adriatic Railway Company were intended to supersede the agreement signed at Rome, March 29, 1923, which reorganized the Railway Company. 23 *League of Nations Treaty Series*, pp. 255-375. The conclusion of agreements on this subject was foreseen in Article 320 of the treaty of peace with Austria signed at St. Germain-en-Laye, September 10, 1919, and in Article 304 of the treaty of peace with Hungary, signed at Trianon, June 4, 1920. In the treaties of peace of February 10, 1947, with Hungary (Article 26, § 10) and Italy (Annex XIV, § 15), the Hungarian and Italian governments recognized that the Brioni Agreement of 1942 was "null and void," and undertook "to participate with the other signatories of the Rome Agreement of May 29, 1923, in any negotiations having the purpose of introducing into its provisions the modifications necessary to ensure the equitable settlement of the annuities which it provides." *U.S. Treaties and Other International Acts Series*, No. 1648, p. 228, and No. 1651, p. 60.

RATIFICATIONS. On April 22, 1943, ratifications had been deposited by the four signatory states.

BIBLIOGRAPHY. The texts of this Treaty, the accompanying agreement, the statute of the Company, and five related protocols are published in German *Reichsgesetzblatt*, 1943, Part II, pp. 206-41; Italian *Raccolta ufficiale delle leggi e dei decreti*, 1942, Vol. V, pp. 3897-3918.

Anon., "Accord de Brioni du 10 août 1942 entre les gouvernements allemand, italien, croate, hongrois, et la Compagnie des Chemins de Fer Danube-Save-Adriatique," 52 *Bulletin des transports internationaux par chemins de fer* (1944), pp. 41-48.

Entered into force April 22, 1943.¹

[Text not reproduced.]

¹ Retroactive to January 1, 1942.

No. 618

AGREEMENT concerning the Star Insurance Company at Prague.
Signed at Berlin, August 12, 1942.

ACCORD concernant la Compagnie d'Assurances "Star" à Prague.
Signé à Berlin, 12 août 1942.

EDITOR'S NOTE. This Agreement between Germany, Hungary, and Slovakia was concluded in consequence of the partition of the territory of the Czechoslovak Republic in 1938 and 1939. Agreements concerning the settlement of social insurance obligations were concluded by Germany with the Government of the Protectorate of Bohemia and Moravia on March 14, 1940, with Hungary on June 24, 1940 and March 27, 1941, and with Slovakia on April 13, 1940 and December 6, 1940. German *Reichsgesetzblatt*, 1940, Part II p. 108; *idem*, 1941, Part II, p. 333; *idem*, 1942, Part II, p. 118; *idem*, 1943, Part II, p. 253. Article 25 of the treaty of peace with Hungary of February 10, 1947, provides that the annulment of the Vienna Award of November 2, 1938 (No. 536, *ante*) "shall entail the annulment of the agreements, as well as the legal consequences ensuing therefrom, relating to matters of finance and public and private insurance, concluded between or on behalf of the two States concerned." *U.S. Treaties and Other International Acts Series*, No. 1651, p. 56.

RATIFICATIONS. Ratifications of this Agreement were exchanged at Berlin on June 17, 1943.

BIBLIOGRAPHY. The text of this Agreement is published in German *Reichsgesetzblatt*, 1943, Part II, pp. 364-78.

Entered into force June 17, 1943.

[Text not reproduced.]

No. 619

CONVENTION on Education in Central America. Signed at San José, September 5, 1942.

CONVENCION sobre educación en Centro América. Firmada en San José, 5 de septiembre de 1942.

EDITOR'S NOTE. This Convention was concluded at the First Conference of the Ministers of Public Education of the States of Central America and Panama held at San José, Costa Rica, August 31-September 5, 1942. That conference adopted also a convention on the exercise of liberal professions (No. 620, *post*). The San José conference was preceded by a preliminary conference held at Managua, August 21-28, 1942, at which the annexes to this Convention were formulated. Conventions for the establishment of a Central American Pedagogical Institute were concluded at San José on September 24, 1906, at Washington, December 20, 1907, and at San Salvador, February 2, 1910. Descamps & Renault, *Recueil international des traités du XXe siècle*, 1906, p. 759; 3 Tejada, *Colección de tratados de Guatemala* (Guatemala, 1919), pp. 428, 436. A Central American convention on the unification of primary and secondary education was signed at Guatemala City, January 12, 1911. *Idem*, p. 449. A convention to establish an Inter-American University was signed at Panama, October 4, 1943 (No. 626, *post*).

RATIFICATIONS. On January 1, 1949, this Convention had been ratified by Costa Rica, El Salvador, Honduras, and Panama.

BIBLIOGRAPHY. The text of this Convention is also published in Costa Rica, *Colección de leyes*, 1942, II, p. 324; Honduras, *Decretos del Congreso Nacional*, 1942-1943, pp. 31-40; 4 Panama, *Leyes* (1943), pp. 285-305; 135 El Salvador, *Diario oficial* (1943), No. 245, pp. 3179-80. Cf. El Salvador, *Memoria de relaciones exteriores y justicia*, 1942, pp. 47-50.

Anon., "International Agreements on Education between the Central American Republics," 47 *Int. Labour Rev.* (1943), p. 223; F. Menéndez Pacas, "Sobre la unificación de estudios en Centro América," 10 El Salvador, *La República, Suplemento del Diario oficial* (1942), No. 2848, pp. 2-3.

Entered into force December 9, 1943.

Text supplied by the Pan American Union.

Los Gobiernos de las Repúblicas de Guatemala, El Salvador, Honduras, Nicaragua, Panamá y Costa Rica, considerando que los seis países constituyen una unidad geográfica en el corazón del Continente de la Democracia y aspiran a formar una sola nacionalidad; que la Escuela, como una de las bases de la cultura, es el vehículo más eficaz y más poderoso para la preparación del ambiente necesario a la realización de ese ideal de unidad, para lo cual debe adaptar su organización y sus actividades a la realidad viva de nuestros pueblos; y que la diversidad de sistemas y de planes de enseñanza de los seis países del Istmo dificulta el intercambio de estudiantes, tan beneficioso para fortalecer los vínculos de fraternidad y ampliar su conocimiento mutuo, han convenido en celebrar una Convención al efecto, y con ese propósito han designado como Delegados Plenipotenciarios:¹

El de Guatemala, Alfonso Hernández Polanco, en representación del José Antonio Villacorta;

El de El Salvador, José Andrés Orantes;

El de Honduras, Angel G. Hernández;

El de Nicaragua, Gerónimo Ramírez Brown;

El de Panamá, Víctor Florencio Goytía;

Y el de Costa Rica, Luis Demetrio Tinoco Castro;

Quienes, reunidos en Conferencia de Ministros de Educación de Centro América, y después de comunicarse sus respectivos plenos poderes, que fueron hallados en buena y debida forma, han convenido en llevar a efecto el propósito indicado, formulando las declaraciones y celebrando los convenios siguientes:

I. La Educación en Centro América será democrática en su esencia y en su orientación general, en todos sus aspectos y etapas, y, por tanto, adoptará en cuanto ello sea posible, como base de su organización y funcionamiento, los principios y las prácticas de la Nueva Educación.

Como corolario de este principio fundamental, la Escuela Centroamericana tendrá por objetivo capacitar a los ciudadanos para el ejercicio de los derechos y el cumplimiento de los deberes cívicos dentro del espíritu de fraternidad que debe ligar a estos pueblos hermanos, formando su carácter y preparándolos para la vida, tanto física como espiritual, artística y vocacionalmente.

II. Dentro de las normas democráticas y los principios pedagógicos de la Nueva Educación, la Escuela Centroamericana adoptará aquellas

¹ The titles of plenipotentiaries are omitted.—ED.

modalidades y características que requieran las necesidades peculiares de cada país, región o comunidad, teniendo presente que la educación del pueblo es un derecho del cual deben disfrutar todos los ciudadanos y que los Estados Centroamericanos deben procurar ofrecer a todos sus habitantes lo que el mejor padre de familia desea para su hijo en materia de educación.

III. En relación con los factores principales del proceso educativo, la Escuela Centroamericana tendrá siempre presente:

A) Que la educación es un proceso activo de crecimiento y de expresión y no pasivo de simple asimilación.

B) Que el educando es el centro del proceso educativo y, por tanto, la educación debe inspirarse en sus capacidades, tendencias e intereses con el fin de obtener su eficiencia social; y considerar en todo caso que la escuela debe ser para el educando y no el educando para la escuela.

C) Que la Escuela Democrática Centroamericana debe ser el centro social de la colectividad y su influencia no debe confinarse dentro de las paredes escolares, sino trascender a la comunidad en general; y que, para ser eficaz, ha de fundamentarse en los principios de correlación y continuidad, y, además, ha de tener programas flexibles que dosifiquen los conocimientos.

D) Que el maestro es un agente civilizador, no tan solo un mero enseñador, pues su misión es la de dirigir el aprendizaje y las experiencias de los educandos, de acuerdo con las capacidades de éstos y las cambiantes posibilidades de cada región o comunidad, inspirándose en la disciplina de la libertad y en los métodos activos.

IV. La Educación Primaria se ajustará a las siguientes bases fundamentales en los seis países Centroamericanos:

1. El mínimo de edad para el ingreso a la escuela será de siete años.

2. El período escolar de educación primaria será de seis años.

3. Las actividades fundamentales de la escuela primaria serán las siguientes:

Educación Moral y Cívica.

Educación Agrícola e Industrial.

Educación Física y Artística.

Idioma Nacional.

Matemáticas.

Geografía e Historia.

Estudio de la Naturaleza.

4. La distribución de materias por grados y horas será determinada por cada país en vista de las diferentes costumbres y climas, así como de las necesidades particulares de cada uno.

5. Las actividades no comprendidas en la enumeración anterior, quedan al arbitrio de cada país lo mismo que su distribución por grados y horas.

6. Los sistemas de calificación y promoción serán determinados por cada país.

7. El mínimo de conocimientos y requisitos necesarios para la obtención del certificado de conclusión de estudios primarios será el siguiente:

a) Saber leer corrientemente y darse cuenta de lo leído; saber expresar con relativa corrección lo que se conoce de cualquier asunto, y saber redactar y escribir cartas y documentos sencillos.

b) Dominar las cuatro operaciones fundamentales con números enteros y con fracciones decimales, hasta donde sea necesario para resolver los problemas que ofrecen las actividades de la vida diaria. Saber aplicar los conocimientos adquiridos a problemas sencillos de interés, de descuento y repartimientos proporcionales. Conocer y saber aplicar las fórmulas que determinan las superficies de triángulos y cuadriláteros, del círculo y de los polígonos regulares, así como los volúmenes del cubo, del prisma y del cilindro.

c) Poseer nociones elementales suficientes de los seis países centro-

americanos: territorio, actividades agrícolas e industriales, comunicaciones, colocación de las seis repúblicas en el Continente Americano y de éste en el mundo, y relaciones de estos países con los restantes.

d) Conocer la actuación de los grandes hombres de las seis Repúblicas y los hechos culminantes de su historia, así como el significado de los símbolos nacionales, y de las fiestas patrias de todas ellas.

e) Tener nociones del cuerpo humano, conocer los animales y las plantas más comunes en los países del Istmo, así como las industrias que de ellos se derivan.

f) Conocer los deberes y derechos del ciudadano y las funciones de los principales organismos y autoridades del país.

g) Poseer hábitos morales y conocer y practicar las reglas de higiene y urbanidad indispensables.

V. La Educación Secundaria se considera como continuadora y ampliadora de la Primaria, y en tal concepto tiene como fines completar la formación individual y social del educando, y perfeccionar su aptitud mental para el conocimiento de las ciencias, las letras y las artes, proporcionándole las nociones fundamentales de la cultura humana.

Por consiguiente, con el objeto de establecer la mayor uniformidad en los estudios de esta naturaleza, reservando a la vez a cada país la posibilidad de adaptarlos a sus necesidades y modalidades, la Educación Secundaria se ajustará en cada uno de ellos a las siguientes bases fundamentales:

1. El plan de estudios comprenderá un mínimo de 150 créditos, entendiéndose por crédito el estudio realizado durante una hora por semana en un año lectivo.

2. En ese número total de créditos, las siguientes materias figurarán con el número mínimo que se indica a continuación, distribuido en la forma que cada país establezca:

Castellano (Gramática, Composición, Literatura, Preceptiva, Historia de la Literatura).....	20	créditos
Matemáticas (Aritmética, Álgebra, Geometría, Trigonometría).....	20	"
Inglés.....	15	"
Francés.....	10	"
Ciencias (Física, Química, Anatomía, Fisiología, Botánica y Zoología).....	25	"
Geografía (del país, Centroamericana, Americana, Universal).....	10	"
Historia (ídem).....	10	"
Psicología y Lógica.....	4	"
Total.....	114	créditos

3. Los sistemas de promoción y exámenes de curso así como la conveniencia de establecer o no los de grado quedan al arbitrio de cada país. Sin embargo se recomienda que la promoción sea por asignaturas y que los exámenes o pruebas se realicen en forma que aseguren una cuidadosa selección de los alumnos que han de pasar a los centros universitarios.

4. Al terminar su educación secundaria, los alumnos recibirán en las condiciones y dentro de las normas que cada país establezca, un certificado, diploma o título que así lo acredite, el cual será considerado por las demás naciones concurrentes con valor igual a los certificados o diplomas de esa naturaleza que extiendan sus instituciones oficiales de educación secundaria.

5. Todos los países representados en esta Conferencia reconocerán la validez de los estudios parciales o completos realizados en las instituciones de educación secundaria reconocidas oficialmente por cualquiera de ellos, previa autenticación de los documentos que acreditan dichos estudios y comprobación de la identidad del interesado.

Las certificaciones que se expidan con el objeto de facilitar dicho reconocimiento comprenderán los siguientes extremos:

a) Materias fundamentales y nú-

meros de créditos obtenidos en su estudio que, con arreglo a la legislación del país de origen, se consideren aprobadas por el alumno.

b) Materias no comprendidas en este convenio y número de créditos obtenidos en su estudio, de acuerdo con la legislación del país de origen.

Es entendido que para la equivalencia a que se refiere este artículo en cuanto a estudios completos, se tomarán en cuenta las materias estudiadas por el alumno en los establecimientos de segunda enseñanza, cualquiera que ellas sean, para completar el mínimo de 150 créditos a que se ha hecho referencia siempre que las materias fundamentales indicadas comprendan el mínimo establecido por cada una de ellas.

VI. Para la distribución de las materias o actividades por grados y su respectiva programación, tanto en lo referente a la Enseñanza Primaria como a la Secundaria, cada país designará dos o tres técnicos en Primaria y dos técnicos en Secundaria, quienes se reunirán con ese exclusivo objeto en el lugar que se elija oportunamente.

De la misma manera y a fin de mantener la escuela al unísono con el progreso científico, comisiones integradas en igual forma, se reunirán periódicamente para revisar y mejorar dichos programas y planes de estudio.

VII. La educación en las Escuelas Normales o de Pedagogía debe comprender, además de las materias fundamentales que se exigen en los establecimientos de educación secundaria, con excepción del Francés, un minimum de 30 créditos en estudios especializados de las Ciencias Pedagógicas.

VIII. En cuanto a la educación universitaria o profesional, se adoptan las siguientes normas:

1. Se acogen con recomendación de que sean puestos en vigencia por los países que no tengan dificultades fundamentales en hacerlo, los planes de estudios formulados por la Con-

ferencia Preliminar de Managua que figuran como anexos A, B, C, D y E de esta convención.

2. En cuanto a los países que no pudieren adoptar dichos planes, se conviene en que las respectivas Secretarías de Educación comuniquen a los organismos similares de los otros países las dificultades que se presenten y las modificaciones que consideren necesario introducir a los planes recomendados para su adopción.

3. De la misma manera, y en atención a la marcha progresiva de las ciencias, se conviene en adoptar el procedimiento de consulta entre las Secretarías de Educación de los países representados, para modificar los planes de estudio referidos.

4. Una vez realizada la unificación de los planes de estudio profesionales, se convocará a un Congreso de Técnicos en Enseñanza Universitaria para que formule los programas de la enseñanza profesional.

5. Igualmente se conviene en celebrar congresos de técnicos en enseñanza Universitaria que estudien y revisen periódicamente los planes y programas de las diferentes ramas de la educación universitaria.

IX. Para facilitar la permanencia y el perfeccionamiento de la obra de unificación a que este Convenio se refiere, se establecerá en San José de Costa Rica una Oficina Centroamericana de Educación, que tendrá por misión recoger, conservar y distribuir toda clase de informaciones sobre planes de estudio, programas y textos de educación de los países representados, para darlos a conocer a las Secretarías de Educación de los mismos.

X. El canje de las ratificaciones de la presente Convención se hará por medio de comunicaciones que dirigirán los Gobiernos representados al Gobierno de Costa Rica, para que éste lo haga saber a los demás Estados participantes. Asimismo, el Gobierno de Costa Rica comunicará a

cada uno de ellos su ratificación, tan pronto la otorgue.

XI. La presente Convención entrará en vigencia para los Estados que la ratifiquen, tan pronto como lo hagan por lo menos dos de los países que la suscriben; y los obligará mientras no la denuncien formalmente.

XII. Un ejemplar original de la presente Convención firmado por todos los Delegados Plenipotencia-

rios, quedará depositado en los archivos de la Secretaría de Relaciones Exteriores de Costa Rica; y dos ejemplares de la misma, firmados de igual manera por todos los Plenipotenciarios, serán remitidos a cada uno de los Gobiernos participantes.

EN FE DE LO CUAL firmamos en la ciudad de San José de Costa Rica el día cinco de septiembre de mil novecientos cuarenta y dos.

[Firmada:] LUIS D. TINOCO H., ANGEL G. HERNÁNDEZ, ORANTES, ALFONSO HERNÁNDEZ POLANCO, G. RAMÍREZ BROWN, VÍCTOR F. GOYTÍA.

[Annexes omitted.]

No. 620

CONVENTION on the Practice of Liberal Professions. Signed at San José, September 5, 1942.

CONVENCION sobre el ejercicio de profesiones liberales. Firmada en San José, 5 de septiembre de 1942.

EDITOR'S NOTE. This Convention was concluded at the First Conference of the Ministers of Public Education of the States of Central America and Panama held at San José, Costa Rica, August 31–September 5, 1942. A Central American convention on this subject had been signed at Washington, February 7, 1923 (No. 87, *ante*). South American conventions on the exercise of liberal professions were signed at Montevideo on February 4, 1889, and on August 4, 1939. 18 Martens, *N.R.G.* (2d ser.), p. 441; No. 571, *ante*. An inter-American convention on the subject, adopted at Mexico City, January 27, 1902, was ratified by all Central American states with the exception of Panama. Scott, *The International Conferences of American States, 1889–1928* (New York, 1931), p. 71; 6 Martens, *N.R.G.* (3d ser.), p. 191. An agreement on academic titles was signed at Caracas, July 17, 1911. 1 *Colección de tratados vigentes de la República de Bolivia* (La Paz, 1941), p. 389.

RATIFICATIONS. On January 1, 1949, this Convention had been ratified by Costa Rica, Honduras, and El Salvador.

BIBLIOGRAPHY. The text of this Convention is also published in Costa Rica, *Colección de leyes*, 1942, II, p. 331; Honduras, *Decretos del Congreso Nacional*, 1942–1943, pp. 29–30; 135 El Salvador, *Diario oficial* (1943), No. 245, pp. 3178–79. Cf. El Salvador, *Memoria de relaciones exteriores y justicia*, 1942, pp. 47–50.

See also the bibliography under No. 619, *ante*.

Entered into force December 9, 1942.

Text supplied by the Pan American Union.

Los Gobiernos de las Repúblicas de Guatemala, El Salvador, Honduras, Nicaragua, Panamá y Costa

Rica, considerando que los seis países constituyen una unidad geográfica en el corazón del Continente

de la Democracia y aspiran a formar una sola nacionalidad; que la Escuela, como una de las bases de la cultura, es el vehículo más eficaz y más poderoso para la preparación del ambiente necesario a la realización de ese ideal de unidad, para lo cual debe adaptar su organización y sus actividades a la realidad viva de nuestros pueblos; y que la diversidad de sistemas y de planes de enseñanza de los seis países del Istmo dificulta el intercambio de estudiantes, tan beneficioso para fortalecer los vínculos de fraternidad y ampliar el conocimiento mutuo de nuestros pueblos, han convenido en celebrar una Convención al efecto, y con ese propósito han designado como Delegados Plenipotenciarios:¹

El de Guatemala, Alfonso Hernández Polanco, en representación del José Antonio Villacorta;

El de El Salvador, José Andrés Orantes;

El de Honduras, Angel G. Hernández;

El de Nicaragua, Gerónimo Ramírez Brown;

El de Panamá, Víctor Florencio Goytía;

Y el de Costa Rica, Luis Demetrio Tinoco Castro;

Quienes reunidos en Conferencia de Ministros de Educación de Centro América, y después de comunicarse sus respectivos plenos poderes, que fueron hallados en buena y debida forma, han convenido en llevar a efecto el propósito indicado, formulando las declaraciones y celebrando los convenios siguientes:

Artículo 1. Los nacionales de las Repúblicas representadas que hayan adquirido en cualquiera de ellas título o diploma que los habilite legalmente para el ejercicio de profesiones liberales inclusive el Magisterio, Comercio y Hacienda serán admitidos al ejercicio de su profesión en el territorio de los otros países siempre que se sometan a los mismos

requisitos y que cumplan las mismas formalidades que exigen a sus nacionales las leyes del país en donde pretendan ejercer su profesión.

Al ejercitar este derecho, el interesado presentará su diploma debidamente autenticado, los documentos de identificación necesarios, y una certificación de haber cursado, con aprobación, los estudios universitarios correspondientes.

Art. 2. Los nacionales de cualquiera de los países representados, que fueren autorizados para ejercer su profesión en alguno de los otros países, quedarán sujetos a todas las leyes, reglamentos, impuestos y deberes que se exigen a los nacionales de ese país.

Art. 3. Las disposiciones anteriores se aplican también a los títulos adquiridos por los nacionales de estos países en Universidades existentes fuera de las Repúblicas representadas, siempre que previamente hubieren sido incorporados, mediante examen, en la respectiva facultad o colegio de su propio país.

Art. 4. El canje de las ratificaciones de la presente Convención se hará por medio de comunicaciones que dirigirán los Gobiernos representados al Gobierno de Costa Rica, para que éste lo haga saber a los demás Estados participantes. Asimismo, el Gobierno de Costa Rica comunicará a cada uno de ellos su ratificación, tan pronto la otorgue.

Art. 5. La presente Convención entrará en vigencia para los Estados que la ratifiquen, tan pronto como lo hagan por lo menos dos de los países que la suscriben; y los obligará mientras no la denuncien formalmente.

Art. 6. Un ejemplar original de la presente Convención firmado por todos los Delegados Plenipotenciarios, quedará depositado en los archivos de la Secretaría de Relaciones Exteriores de Costa Rica; y dos ejemplares de la misma, fir-

¹ The titles of plenipotentiaries are omitted.—Ed.

mados de igual manera, por todos los Plenipotenciarios, serán remitidos a cada uno de los Gobiernos participantes.

EN FE DE LO CUAL firmamos en la ciudad de San José de Costa Rica el día cinco de setiembre de mil novecientos cuarenta y dos.

[Firmada:] LUIS D. TINOCO H., ANGEL G. HERNÁNDEZ, ORANTES, ALFONSO HERNÁNDEZ POLANCO, G. RAMÍREZ BROWN, VÍCTOR F. GOYTÍA.

No. 621

AGREEMENT for the International Control of the Production and Export of Tin. Signed at London, September 9, 1942.

ARRANGEMENT pour le contrôle international de la production et de l'exportation de l'étain. Signé à Londres, 9 septembre 1942.

EDITOR'S NOTE. This Agreement, prepared by the International Tin Committee, replaced the agreement signed at London, January 5, 1937 (No. 475, *ante*), which had expired on December 31, 1941. Prior agreements on the subject were signed at London on February 27, 1931 (International Labor Office, *Intergovernmental Commodity Control Agreements*, p. 73), and on October 27, 1933 (No. 349, *ante*). Agreements with respect to tin buffer stock schemes were signed at The Hague, July 10, 1934 (No. 349b, *ante*), and at London, June 20, 1938 (No. 475b, *ante*). An agreement on a tin research scheme, signed at London, January 25, 1938 (No. 475c, *ante*) was continued in force until January 1, 1946. An international conference on tin, held at London, October 8-12, 1946, led to the creation of an International Tin Study Group, which held its first meeting at Brussels, April 15-18, 1947. An arrangement concerning Siamese tin was signed at Washington, December 10, 1946. 15 *U.S. Department of State Bulletin* (1946), p. 1186.

RATIFICATIONS. This Agreement was not subject to ratification.

BIBLIOGRAPHY. The text and a French translation of this Agreement are published in 205 *League of Nations Treaty Series*, p. 137, and in 112 *Moniteur belge* (1942), p. 480. See also International Labor Office, *Intergovernmental Commodity Control Agreements*, p. 95. Cf. 144 Perú, *Boletín del Ministerio de Relaciones Exteriores* (1941), pp. 341-42.

J. W. Barnet, "Tin in the Far East," 13 *U.S. Department of State Bulletin* (1947), pp. 401-4; ———, "Tin in the Transitional Period," 15 *idem* (1946), pp. 195-96, 238; E. Hexner, *International Cartels* (Chapel Hill, 1945), pp. 238-48; K. E. Knorr, *Tin Under Control* (Stanford, 1945), 314 pp.; C. K. Leith, J. W. Furness, and C. Lewis, *World Minerals and World Peace* (Washington, 1943), pp. 122-26; E. S. Mason, *Controlling World Trade* (New York, 1946), pp. 191-92; Tin Producers' Association, *International Tin Control and Buffer Stocks* (London, 1942; 2d ed., London, 1944); U.S. Department of State, *International Agencies in Which the United States Participates* (Washington, 1946; Publ. 2699), pp. 90-94; P. L. Yates, *Commodity Control* (London, 1943), pp. 130-56.

Entered into force September 9, 1942.¹

Text from *British Treaty Series*, No. 9 (1942), Cmd. 6396.

The Governments of the Kingdom the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the United Kingdom), the Republic of Bolivia, and the Republic of Peru,

¹ Retroactive to January 1, 1942 (Article 3). Registered with the Secretariat of the League of Nations, No. 4831, October 2, 1944.

after referred to as the United Kingdom), and the Kingdom of the Netherlands:

Considering that it is necessary and advisable that steps should be taken to regulate the production and export of tin in and from producing countries with the object of keeping world stocks at a normal figure, adjusting in an orderly manner supply to demand, while at the same time making available all the tin that may be required and preventing rapid and severe oscillations of price, and being desirous of concluding an agreement for this purpose:

Have accordingly agreed to the following Scheme:

ARTICLE 1.—*Participants*

The obligations under this agreement of the Government of the Kingdom of Belgium apply to the Belgian-Congo, those of the Government of the Republic of Bolivia to Bolivia, those of the Government of the United Kingdom to the Federated Malay States, the Unfederated Malay States and the Colony of Malacca in the Straits Settlements (constituting, for the purposes of the present agreement, a single group of territories and hereinafter referred to as Malaya) and to Nigeria, and those of the Government of the Kingdom of the Netherlands to the Netherlands Indies.

ARTICLE 2.—*Definitions*

For the purposes of the Scheme:

(a) "Standard tonnages" means the annual rate of permissible export of metallic tin when the quota is 100 per cent.

(b) "Quota" means the percentage of the standard tonnages which may be exported in any quota period.

(c) "Quota period" means a quarter (*i.e.*, three calendar months) commencing on the first day of January, April, July and October.

(d) "International Tin Commit-

tee" means the Committee referred to in Article 10.

(e) "Control year" means any calendar year during the continuance of this agreement.

(f) "Tin" means metallic tin in ingot form.

(g) "True tin assay" means the percentage of pure tin metal contained in concentrates before any deductions are made by the smelter. The value of the assay shall be adopted to the nearest one-tenth of a unit. If the figure in the second decimal place is a 5 the adoption shall be made by taking the first decimal figure. The tonnage of metallic tin exported as concentrates shall be calculated by converting the concentrates into metallic tin on the basis of the true tin assay.

(h) "Territory" means a territory (or group of territories) to which the obligations of the present agreement apply in accordance with Article 1.

ARTICLE 3.—*Enforcement of Scheme*

(a) The contracting Governments undertake to take such measures as may be necessary to maintain and enforce the Scheme in the territories to which their respective obligations apply as defined in Article 1, so that the production and export of each territory shall correspond as closely as possible throughout the year to the quota, allowance being made in the case of production for the permitted stocks, as defined in Article 6.

(b) The said Scheme shall be regarded as having come into operation from the 1st January, 1942, and shall remain in force until the 31st December, 1946, as a minimum period.

(c) Not less than twelve calendar months prior to the 31st December, 1946, the Committee shall make a recommendation to the contracting Governments as to the continuation or otherwise of the Scheme. The recommendation, if in favour of continuation, may suggest amendments to the Scheme and include proposals

relating to the other provisions of this agreement.

(d) Each contracting Government shall signify to the Committee its acceptance or rejection of the recommendation referred to in the immediately preceding paragraph within three calendar months after the date of the receipt of such recommendation.

(e) If the said recommendation is accepted by all the contracting Governments, the contracting Governments undertake to take such measures as may be necessary to carry out the said recommendation. The Committee shall inform the Government of the United Kingdom, which shall draw up a declaration certifying the terms of the said recommendation and its acceptance by all the contracting Governments, and the present agreement shall be deemed to be amended in accordance with this declaration as from the date specified in that declaration. A certified copy of the declaration, together with a certified copy of the agreement as amended, shall be communicated to all the other contracting Governments.

(f) If the said recommendation is not accepted by all the contracting Governments, the Committee shall decide as soon as possible whether they desire to submit to the contracting Governments an amended recommendation. If the Committee submits an amended recommendation each contracting Government shall signify to the Committee its acceptance or rejection of the amended recommendation within one calendar month after the date of its receipt. If the amended recommendation is accepted by all the contracting Governments the provisions of paragraph (e) above shall apply.

(g) If the said recommendation is not accepted and the Committee decides not to submit an amended recommendation, or if the amended

recommendation is not accepted by all the contracting Governments, the Committee shall so inform the Government of the United Kingdom, which may of its own accord and shall if requested by any other contracting Government convoke a conference of the contracting Governments to consider the situation.

(h) Unless a recommendation to continue the Scheme is accepted under paragraphs (d), (e) and (f) above, or unless an agreement for continuation is concluded between the contracting Governments at the conference referred to in paragraph (g) above, the Scheme and all the obligations arising out of this agreement shall terminate on the 31st December, 1946. If at the conference referred to in paragraph (g) above an agreement for continuation is concluded between some but not all of the contracting Governments, the Scheme and all the obligations arising out of this agreement shall terminate on the 31st December, 1946 in respect of any contracting Government not a party to the agreement for continuation.

(i) Without prejudice to the provisions of paragraph (c) of this Article, the Committee may at any time make a recommendation to the contracting Governments for the amendment of any part of the Scheme or any of the other provisions of the present agreement. The recommendations of the Committee under this paragraph may include a recommendation that the present agreement should be made open to the accession of a non-signatory Government and proposals for such additions and amendments to the present agreement as may be necessary to determine the conditions of the participation of such Government. The provisions of paragraphs (d) and (e) of this Article shall apply as regards any recommendations made under the provisions of this paragraph. Recom-

mendations under this paragraph if not accepted and put into force under paragraphs (d) and (e) shall fall, but without prejudice to the power of the Committee to present all or any of them again under paragraph (c) at the appropriate time.

ARTICLE 4.—*Standard Tonnages*

The exports of tin shall be regulated in accordance with the following provisions:

(a) The following annual quantities in tons of 2,240 English pounds avoirdupois shall be adopted as standard tonnages for each territory:

	<i>Tons</i>
Belgian Congo.....	20,178
Bolivia.....	46,768
Malaya.....	95,474
Netherlands Indies.....	55,113
Nigeria.....	15,367
	<hr/> 232,900

(b) The Committee shall from time to time fix the quota which may be exported during each quota period. If no positive decision to change the quota is taken the quota shall remain unchanged.

(c) In each control year the quantity of tin which is represented by the total of the quotas of each territory during that year constitutes for that territory the permissible exportable amount for such territory.

ARTICLE 5.—*Exports*

The nett exports of tin from each territory for any control year shall be limited to the permissible exportable amount.

Provided that—

(a) If the permissible exportable amount is exceeded in any control year the nett exports for the immediately following control year shall be limited to the permissible exportable amount for such year less the amount of such excess for the previous year.

(b) If any territory has exported in any control year less than its permissible exportable amount, the net exports from such territory for the immediately following year may be permitted to exceed the permissible exportable amount for such year by an amount equal to the deficiency below the permissible exportable amount for the previous year if such deficiency was less than $8\frac{1}{3}$ per cent. of such permissible exportable amount or equal to $8\frac{1}{3}$ per cent. of such permissible exportable amount if the deficiency exceeded $8\frac{1}{3}$ per cent., provided that the quantity by which the exports may be permitted to exceed the permissible exportable amount for such year shall in no case exceed $8\frac{1}{3}$ per cent. of the standard tonnage of the territory concerned.

ARTICLE 6.—*Stocks*

The stock of tin and tin in concentrates within any territory shall not at any time exceed 25 per cent. of the standard tonnage of that territory.

The Committee may, however, permit this percentage to be exceeded in particular cases.

ARTICLE 7.—*Statistics*

(a) Each territory shall furnish the Committee with the monthly figures of production and export and of the assay value used in their determination within 15 days of the end of each month.

(b) Each territory shall furnish not later than three calendar months after the end of each half-year the true tin assay of the concentrates actually exported from the territory during each half-year commencing the 1st January and the 1st July.

(c) Each territory shall furnish such additional statistics as will enable the Committee to estimate world's production and stocks.

ARTICLE 8.—*Adjustment of Statistics*

(a) On receipt of the detailed figures specified in Article 7 (b) the

excess or deficiency due to change in assay value shall be determined for each territory and the figures of export adjusted accordingly.

(b) Within three months of the commencement of the Scheme the total exports of each territory during the period of the Scheme terminating on the 31st December, 1941 shall be calculated finally, in metallic tin, on the true assay basis. The total exports so determined shall be compared with the permissible exportable amount, and any excesses or deficiencies, subject in the case of the latter to a limit of $8\frac{1}{3}$ per cent. of the permissible exportable amount or $8\frac{1}{3}$ per cent. of the standard tonnage, whichever is the less, shall be brought forward for adjustment in the first year of this Scheme.

ARTICLE 9.—*Irregularities*

The contracting Governments and the administrations of the territories to which the present agreement applies shall co-operate with each other to prevent smuggling, evasion and other abuses of the Scheme.

ARTICLE 10.—*Administration*

(a) A Committee to be designated the International Tin Committee shall be constituted as soon as possible.

(b) The said Committee shall be composed of delegations representing the territories to which the present agreement applies. Each delegation shall consist of not more than three members, and its composition may be changed by formal intimation to the Chairman. Members may be nominated as alternates to such substantive members of delegations.

(c) Each territory may associate with its delegation such advisers, not exceeding two in number, as it may consider desirable and may change such advisers. The Chairman may, at the request of any delegation, invite any other person to attend a meeting in an advisory capacity.

(d) The Government of the United Kingdom shall be informed as soon as possible by the other contracting Governments of the persons first designated as members of delegations representing their respective territories.

(e) The Government of the United Kingdom shall convoke the first meeting of the Committee as soon as possible.

ARTICLE 11.—*Committee*

(a) The principal office of the Committee shall be in London. The Committee shall make such arrangements as may be necessary for office accommodation and may appoint and pay such officers and staff as may be required. The remuneration and expenses of members or delegations shall be defrayed by the Government by whom they are designated.

(b) The proceedings of the Committee shall be conducted in English.

(c) The Committee shall at its first meeting elect its Chairman and Vice-Chairman. The Chairman need not necessarily be a member of a delegation.

(d) The Committee may pay the Chairman such remuneration as they consider appropriate.

ARTICLE 12.—*Procedure*

(a) Meetings shall be convened by the Chairman or in his absence by the Vice-Chairman. Not more than three calendar months shall normally elapse between any two consecutive meetings. An extraordinary meeting shall be convened at any time at the request of any delegation within fourteen days of the receipt of the request by the Chairman.

(b) If no delegation opposes, decisions of the Committee may be taken without a meeting by correspondence between the Chairman and all delegations. Notice of any decision taken shall be given to all delegations as soon as possible; such deci-

sion shall be recorded in the minutes of the next meeting.

(c) The Committee shall carry out the provisions of this Scheme and shall in addition collect and publish such statistical information and make such other recommendations to Governments relevant to the subject matter of this agreement as may seem desirable. The Committee shall do all such other lawful things as may be necessary, incidental or conducive to the carrying out of its functions and give such publicity to its actions as it may deem necessary or desirable.

(d) Any delegation may at any time, if it considers that any contracting Government has failed to comply with its obligations under this agreement, request the Chairman to call a special meeting of the Committee to decide whether a major infringement of the agreement has taken place and, if so, what recommendations should be made to the contracting Governments in view of that infringement. On receipt of such a request the Chairman shall immediately convene a meeting of the Committee.

(e) The Committee shall have power to decide what constitutes a major infringement within the meaning of this agreement and may in their discretion decide that a number of minor infringements shall in the aggregate constitute a major infringement. In particular, a major infringement is constituted if, subject to the provisions of Article 5 (b), the exports from any territory, for any period of three consecutive months, exceed the quota for that period by an amount equal to 10 per cent. of that quota.

ARTICLE 13.—*Consumers' Representation*

The Committee shall, within one month of its first meeting, invite

- (i) two persons to represent the tin consuming interest of the

United States of America, of whom one shall be appointed by the Government of the United States of America and the other shall be appointed as the direct representative of the tin consumers in the United States of America; and

- (ii) one person appointed to represent the tin consumers other than the tin consumers of the United States of America

to attend its meetings and to tender advice to the Committee regarding world stocks and consumption.

ARTICLE 14.—*Voting*

(a) Each delegation shall vote as one unit. In case of delegations composed of more than one member the name of the member entitled to exercise the vote shall be communicated in case of the first meeting to the Government of the United Kingdom and thereafter to the Chairman of the Committee. The voting member may, in case of absence, by communication to the Chairman nominate another member to act for him. The delegations shall be entitled to cast the following number of votes, namely:

Belgian Congo	2
Bolivia	4
Malaya	5
Netherlands Indies	4
Nigeria	2

(b) The presence of voting members of at least three delegations shall be necessary to constitute a quorum at any meeting, provided that if within an hour of the time appointed for the meeting a quorum as above defined is not present, the meeting may be adjourned by the Chairman to the same day in the next week, and if at such adjourned meeting a quorum as defined above is not present, those delegations who are present at the adjourned meeting shall constitute a quorum.

(c) At such an adjourned meeting decisions shall be taken by a simple

majority of votes. If at such an adjourned meeting the votes are equally divided, the Chairman shall have an additional casting vote.

(d) At any meeting other than such an adjourned meeting, a total of ten votes in favour shall carry any proposal.

ARTICLE 15.—*Financial*

(a) The Committee shall at the beginning of each control year draw up its budget for the forthcoming year. The budget shall show under appropriate headings and in reasonable detail the estimate of the Committee of its expenses for that year. The budget shall be communicated to the contracting Governments and to the administrations of the territories to which the present agreement applies, and shall show the share of the expenses falling upon each territory.

(b) The expenses of the Committee shall be defrayed by the administrations of all territories to which the present agreement applies. The contribution of each territory shall bear the same proportion to the total contributions as the standard tonnage of the territory bears to the total of the standard tonnages.

(c) The Committee may draw up, put into force, modify or abrogate rules for the conduct of its business and procedure as may from time to time be necessary, provided that its rules of procedure shall be at all times in conformity with the provisions of this Scheme.

ARTICLE 16.—*Withdrawal from and Suspension or Abandonment of Scheme*

(a) If the Committee is satisfied that the estimated production of all territories not specified in Article 4 has, over a period of six consecutive months, exceeded 20 per cent. of the estimated world production during that period, or 18,000 tons of metallic tin, whichever is the less

amount, it shall be competent for any contracting Government to give six months' notice to the Government of the United Kingdom of its intention to withdraw from the Scheme.

(b) Any contracting Government may at any time, if it considers that its national security is endangered and that the continuance of its obligations under this agreement would be inconsistent with the requirements of its national security, give notice to the Government of the United Kingdom that it desires the suspension for the period of the emergency of all its rights and obligations under the agreement, and all such rights and obligations shall thereupon be suspended until the Government which has given notice informs the Government of the United Kingdom of the termination of the emergency.

(c) If, in accordance with Article 12 (d) and 12 (e) of this agreement, either the Committee should decide that a major infringement of the agreement has taken place, or a major infringement is proved to the satisfaction of the Committee, the Committee shall at once notify the Government of the United Kingdom, who shall inform the other contracting Governments. Any contracting Government may then, by written notice given to the Government of the United Kingdom, withdraw from this agreement; such withdrawal shall take effect from the end of the three months' quota period following that in which the notice of withdrawal is received.

(d) The Government of the United Kingdom shall immediately inform all the other contracting Governments on receipt of any notice of withdrawal or suspension under paragraphs (a), (b) or (c) of this Article, and each of the other contracting Governments shall have the right to notify the Government of the United Kingdom within one

month of the receipt of this information that, in the circumstances, it desires to withdraw from the Scheme or to suspend its rights and obligations.

(e) If notifications of suspension are received under paragraphs (b) and (d) from two or more contracting Governments, the agreement shall be suspended in respect of all contracting Governments until the suspension is terminated by the Government which first gave notice under paragraph (b). Otherwise the agreement will remain in full force between the contracting Governments who have not given notice of suspension.

(f) If the Committee at any time, at a meeting at which all delegations are represented, adopts by an unanimous vote a resolution that it is desirable that the scheme should be abandoned forthwith, the Chairman of the Committee shall at once inform the Government of the United Kingdom of this resolution. The Government of the United Kingdom shall, without delay, communicate this resolution to all the other con-

tracting Governments, and the whole of the present agreement shall terminate as from the end of the quota period current at the date of the communication from the Government of the United Kingdom.

ARTICLE 17.—*Research*

The continuance of international co-operation in research into problems connected with the tin industry and stimulation of consumption of tin is accepted as most desirable.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being authorised to this effect by their respective Governments, have signed the present Agreement and affixed thereto their seals.

Done in London this 9th day of September, 1942, in a single copy, which shall remain deposited in the archives of the Government of the United Kingdom, and of which duly certified copies shall be communicated by the Government of the United Kingdom to each of the other contracting Governments.

[Signed:] For the Government of the **Kingdom of Belgium**: TH. DE LANTSHEERE; for the Government of the **Republic of Bolivia**: A. PATINO R.; for the Government of the **United Kingdom of Great Britain and Northern Ireland**: ANTHONY EDEN; for the Government of the **Kingdom of the Netherlands**: E. TEIXEIRA DE MATTOS.

No. 621a

Protocol of Signature of the International Tin Control Agreement.
Signed at London, September 9, 1942.

Protocole de signature de l'Arrangement pour le contrôle international de l'étain. Signé à Londres, 9 septembre 1942.

Entered into force September 9, 1942.¹

Text from *British Treaty Series*, No. 9 (1942), Cmd. 6396, p. 10.

At the moment of signing the Control of the Production and Export of Tin of this day's date, the Agreement for the International

¹ Registered with the Secretariat of the League of Nations, under No. 4831, October 2, 1944.

undersigned Plenipotentiaries, being duly authorised thereto, have agreed as follows:

(1) It is understood that the provisions of Articles 4(a) and 14 of the Agreement shall be reconsidered as soon as the status of Malaya and the Netherlands East Indies prior to the occupation of those territories by the Japanese forces has been re-established and it has become possible to determine the actual productive capacity of those territories.

(2) Notwithstanding the provisions of Article 15(b) of the Agreement, the expenses of the Committee shall be defrayed in equal shares by

the administrations of all the territories to which the above-mentioned Agreement applies until the status of Malaya and the Netherlands East Indies prior to the occupation of those territories by the Japanese forces, has been re-established.

DONE in London this 9th day of September, 1942, in a single copy, which shall remain deposited in the archives of the Government of the United Kingdom, and of which duly certified copies shall be communicated by the Government of the United Kingdom to each of the other contracting Governments.

[Here follow the same signatures as those affixed to the Agreement.]

No. 622

AGREEMENT concerning a European Postal and Telecommunications Union. Signed at Vienna, October 19, 1942.

ACCORD relatif à l'Union européenne des Postes et des Télécommunications. Signé à Vienne, 19 octobre 1942.

EDITOR'S NOTE. This Agreement was concluded at a conference held at Vienna, October 12-24, 1942, it was accompanied by postal and telegraphic regulations. German *Reichsgesetzblatt*, 1943, Part II, pp. 124, 126. The conference also established three permanent committees on postal services, telecommunication services, and telecommunication techniques; for their regulations, see *Europäischer Postkongress, Wien 1942, Berichte und Vereinbarungen*, pp. 232-35, 294-97, 300-5. The Permanent Postal Committee of the European Union held its first session at Copenhagen, June 24-30, 1943. The Permanent Telecommunication Services Committee of the European Union held its first session at Vienna, September 1-7, 1943. The establishment of the Union was preceded by numerous postal service agreements and telegraphic service agreements between Germany and other European states; e.g., the German-Italian agreements of October 8, 1941, Italian *Gazzetta ufficiale*, 1942, pp. 955, 957; 9 *Journal des télécommunications* (1942), p. 151. Special unions of this nature are envisaged by Article 5 of the Universal Postal Union Convention of May 23, 1939 (No. 558, *ante*), and by Article 13 of the Madrid Telecommunication Convention of December 9, 1932 (No. 316, *ante*).

RATIFICATIONS. On March 31, 1943, this Agreement had been ratified by all states which had signed subject to ratification.

BIBLIOGRAPHY. The text of this Agreement is also published in *Europäischer Postkongress, Wien 1942, Berichte und Vereinbarungen*, pp. 98-103. The Italian version is published in Italian *Gazzetta ufficiale*, May 28, 1943, No. 124.

Anon., "Congrès européen de Vienne," 67 *Union postale* (1942), pp. 290-95; Anon., "Projet de création d'un nouvel organisme européen dans le domaine postal et télé-

graphique," 9 *Journal des télécommunications* (1942), pp. 125-28; Anon., "A propos du projet de création d'un nouvel organisme européen dans le domaine postal et télégraphique," 9 *idem* (1942), pp. 151-52; Anon., "L'Union européenne des Postes et des Télécommunications," 9 *idem* (1942), pp. 161-63, 193-202; A. S. Angwin, "Les télécommunications internationales," 11 *idem* (1944), pp. 137-46; K. von Forster, "Die Aufgaben des europäischen Post- und Fernmeldevereins," 11 *Auswärtige Politik* (1944), pp. 352-58; G. Gnome, "La Conférence de Vienne de l'Union européenne des Postes et des Télécommunications," 10 *Journal des télécommunications* (1943), pp. 29-35; Ohnesorge, "L'Unione postale e telegrafica europea," 8 *Relazioni internazionali* (1942), p. 1242; G. Pession, "L'Unione europea postale e delle telecomunicazioni," 23 *Echi e commenti* (1942), pp. 550-52; F. Risch, "Les tâches et les buts d'une Union postale européenne," 67 *Union postale* (1942), pp. 246-53.

Entered into force April 1, 1943.

German version from German *Reichsgesetzblatt*, 1943, Part II, p. 122; French translation from 9 *Journal des télécommunications* (1942), p. 162.

[Traduction]

Die unterzeichneten Bevollmächtigten der Post- und Fernmeldeverwaltungen der nachstehenden Länder: Albanien, Bulgarien, Dänemark, Deutschland, Finnland, Italien, Kroatien, Niederlande, Norwegen, Rumänien, San Marino, Slowakei, Ungarn, haben zur Förderung der europäischen Zusammenarbeit auf dem Gebiete des Post- und Fernmeldewesens — gestützt auf den Weltpostvertrag und den Weltnachrichtenvertrag — im gegenseitigen Einverständnis folgendes beschlossen:

ARTIKEL 1.—*Europäischer Post- und Fernmeldeverein*

Die beteiligten Verwaltungen bilden den "Europäischen Post- und Fernmeldeverein", der zum Ziel hat, die einzelnen Dienstzweige im gegenseitigen Post- und Fernmeldedienst zu verbessern und zu vervollkommen.

ARTIKEL 2.—*Vollzugsordnungen*

Die zur Durchführung dieses Übereinkommens und zur Ausführung des Post- und Fernmeldedienstes im Vereinsbereich notwendigen Dienstvorschriften werden in Vollzugsordnungen zusammengefaßt, die auf den Tagungen des Vereins (Artikel 3) von den Verwaltungen miteinander vereinbart werden.

Les plénipotentiaires soussignés des administrations postales et des télécommunications des pays ci-après: Albanie, Bulgarie, Danemark, Allemagne, Finlande, Italie, Croatie, Pays-Bas, Norvège, Roumanie, S. Marin, Slovaquie, Hongrie ont, en accord réciproque, pour le progrès de la coopération européenne dans le domaine de la poste et des télécommunications, en se basant sur la Convention postale universelle et la Convention internationale des télécommunications, décidé, ce qui suit:

ARTICLE 1.—*Union européenne des postes et des télécommunications*

Les administrations participantes forment l' "Union européenne des postes et des télécommunications", qui a pour but d'améliorer et de perfectionner les diverses branches des services de la poste et des télécommunications.

ARTICLE 2.—*Règlements d'exécution*

Les prescriptions de service nécessaires pour appliquer cet accord et pour exécuter le service de la poste et des télécommunications dans le domaine de l'Union sont rassemblées dans des règlements d'exécution qui sont établis en accord par les administrations dans les sessions de l'Union.

ARTIKEL 3.—Vereinstagungen

Die Vertreter der Vereinsverwaltungen vereinigen sich zu gegebener Zeit zu Tagungen, um über die Änderung oder Ergänzung der Vorschriften dieses Übereinkommens, über die Aufstellung, Änderung und Ergänzung der im Artikel 2 genannten Vollzugsordnungen oder über sonstige, den Verein betreffende Angelegenheiten zu beraten und zu beschließen.

Die Verhandlungssprachen auf den Tagungen sind deutsch und italienisch; dabei werden die deutschen Ausführungen sofort ins Italienische übersetzt und umgekehrt. Die Vertreter können sich anderer Sprachen bedienen: sie müssen aber für unmittelbare Übersetzung in die deutsche oder italienische Sprache sorgen.

Die Niederschriften und Akten der Tagungen sind in deutscher und italienischer Sprache zu verfassen.

Bei den Abstimmungen auf den Tagungen entfällt auf jedes Land einschließlich der abhängigen Gebiete usw. eine Stimme.

Jede Tagung bestimmt das Jahr und das Land der nächsten Tagung. Die Verwaltung des Landes, in dem getagt werden soll, setzt nach Verständigung mit der Vereinsgeschäftsstelle (Artikel 5) den Zeitpunkt und den Ort der Tagung fest.

Die Tagung kann auf einen früheren oder späteren Zeitpunkt festgelegt werden, wenn zwei Drittel der Verwaltungen bei der die Tagung abhaltenden Verwaltung den Antrag stellen.

ARTIKEL 4.—Ständige Ausschüsse

Zur Prüfung und Erörterung von Fragen des Post- und Fernmeldedienstes können Ständige Ausschüsse eingesetzt werden. Sie werden aus Sachverständigen derjenigen Post- und Fernmeldeverwaltungen gebildet, die sich zur Teilnahme an ihren Arbeiten bereit erklären und sich

ARTICLE 3.—Sessions de l'Union

Les représentants des administrations de l'Union se réunissent à une époque déterminée, pour discuter et prendre des décisions en vue de modifier ou de compléter les prescriptions de cet accord, d'établir, de modifier et de compléter les règlements d'exécution mentionnés à l'article 2 ou pour discuter et prendre des décisions sur d'autres affaires concernant l'Union.

Les langues des discussions au cours des sessions sont l'allemand et l'italien.

Les explications fournies en allemand sont immédiatement traduites en italien et inversement.

Les représentants peuvent se servir d'autres langues mais il doivent se charger d'en faire assurer la traduction immédiate en allemand ou en italien.

Les rapports et les actes des réunions doivent être rédigés en allemand et en italien.

Lors des votes au cours des sessions, chaque pays, y compris les territoires qui en dépendent, etc., dispose d'une voix.

Au cours de chaque réunion sont indiqués l'année et le lieu de la réunion suivante. Celle-ci est convoquée, après entente avec le bureau de l'Union (art. 5), par l'administration du pays dans lequel elle doit avoir lieu. La réunion peut être fixée à une date plus rapprochée ou plus éloignée si deux tiers des administrations en font la proposition à l'administration qui doit l'organiser.

ARTICLE 4.—Comités permanents

Pour l'examen et la discussion de questions du service de la poste et des télécommunications, des comités permanents peuvent être institués. Ils sont formés d'experts des administrations des postes et des télécommunications qui se déclarent prêts à participer à leurs travaux, et s'en-

verpflichten, zu den allgemeinen Kosten ihrer Tagungen beizutragen.

Für das Stimmrecht und die Sprache gelten die Bestimmungen des Artikels 3.

ARTIKEL 5.—Geschäftsstelle des Europäischen Post- und Fernmeldevereins

Eine Dienststelle, die in Wien unter dem Namen "Geschäftsstelle des Europäischen Post- und Fernmeldevereins" tätig ist und unter der Oberaufsicht der deutschen Postverwaltung steht, dient den Vereinsverwaltungen als Verbindungs-, Auskunfts- und Beratungsstelle. Ihr fallen im wesentlichen die gleichen Aufgaben für den Bereich des Europäischen Post- und Fernmeldevereins zu, wie sie für das Büro des Weltpostvereins und das Büro des Weltnachrichtenvereins vorgesehen sind.

Die amtlichen Sprachen für die Akten des Vereins sind deutsch und italienisch. Der amtliche Schriftwechsel zwischen der Geschäftsstelle und den Verwaltungen wird deutsch oder italienisch geführt.

Vom Tage des Inkrafttretens des Übereinkommens an werden die Kosten für den Betrieb der Geschäftsstelle sowie die außerordentlichen Kosten, die der Zusammentritt einer Tagung verursacht, und die Kosten, die etwa durch die der Geschäftsstelle übertragenen besonderen Arbeiten entstehen, von sämtlichen Vereinsverwaltungen gemeinsam getragen.

Die Länder der beteiligten Verwaltungen werden hierfür in 7 Klassen eingeteilt, deren jede ihren Kostenbeitrag nach folgendem Verhältnis leistet:

1. Klasse	25 Einheiten
2. "	20 "
3. "	15 "
4. "	10 "
5. "	5 "
6. "	3 "
7. "	1 Einheit.

gagent à contribuer aux frais généraux de leurs réunions.

En ce qui concerne le droit de vote et la langue, les prescriptions de l'article 3 sont applicables.

ARTICLE 5.—Bureau de l'Union européenne des postes et des télécommunications

Un bureau, qui fonctionne à Vienne sous le nom de "Bureau de l'Union européenne des postes et des télécommunications" et est placé sous la surveillance de l'Administration des postes allemande, sert aux administrations de l'Union de service de liaison, de renseignements et de conseil. Il lui incombe, essentiellement, les mêmes tâches dans le domaine de l'Union européenne des postes et des télécommunications que celles qui sont prévues pour le Bureau de l'Union postale universelle et pour le Bureau de l'Union internationale des télécommunications.

Les langues officielles pour la rédaction des actes de l'Union sont l'allemand et l'italien. L'échange des correspondances officielles entre le bureau et les administrations se fait en allemand ou en italien.

A partir du jour de la mise en vigueur de l'accord, les dépenses pour l'exploitation du bureau, de même que les dépenses extraordinaires occasionnées par l'organisation d'une réunion et les dépenses qui peuvent résulter, éventuellement, de travaux particuliers assurés par le bureau sont supportées en commun par toutes les administrations de l'Union.

Les pays des administrations participantes sont rangés, à cet effet, en 7 classes dont chacune fournit la contribution aux frais communs d'après le rapport suivant:

1 ^{re} classe	25 unités
2 ^e "	20 "
3 ^e "	15 "
4 ^e "	10 "
5 ^e "	5 "
6 ^e "	3 "
7 ^e "	1 unité.

Jede Verwaltung teilt der Geschäftsstelle mit, in welche Klasse sie eingereiht zu werden wünscht.

ARTIKEL 6.—*Schiedsgericht*

Meinungsverschiedenheiten, die sich aus diesem Übereinkommen und den Vollzugsordnungen zwischen den Vereinsverwaltungen ergeben, sind durch ein Schiedsgericht zu schlichten, das aus Mitgliedern des Europäischen Post- und Fernmeldevereins entsprechend der im Weltpostvertrag vorgeschriebenen Weise gebildet wird und auch nach den in diesem Vertrag gegebenen Vorschriften verfährt. Wenn nach dem Vertrag die Ernennung der Schiedsrichter dem Büro des Weltpostvereins obliegt, werden die Schiedsrichter von der Geschäftsstelle des Europäischen Post- und Fernmeldevereins bestellt.

ARTIKEL 7.—*Beitritt*

Jede europäische oder dem europäischen Raum benachbarte Post- und Fernmeldeverwaltung kann jederzeit diesem Übereinkommen beitreten.

Die Beitrittserklärung ist der Vereinsgeschäftsstelle zu übersenden, die ihrerseits die Vereinsverwaltungen verständigt.

ARTIKEL 8.—*Austritt*

Jede beteiligte Verwaltung ist bei Einhaltung einer einjährigen Kündigungsfrist berechtigt, durch eine an die Vereinsgeschäftsstelle zu richtende schriftliche Erklärung ihren Austritt aus dem Europäischen Post- und Fernmeldeverein anzuzeigen. Diese Erklärung gilt nur für die Verwaltung, von der sie eingereicht worden ist; das Übereinkommen bleibt für die anderen teilnehmenden Verwaltungen in Kraft.

ARTIKEL 9.—*Anwendung des Weltpostvertrags und des Weltnachrichtenvertrags*

Die Bestimmungen des Weltpostvertrags, der besonderen Abkommen

Chaque administration communie au bureau la classe dans laquelle elle désire être rangée.

ARTICLE 6.—*Arbitrage*

Les divergences d'avis qui se manifestent entre les administrations de l'Union au sujet de cet accord et des règlements d'exécution doivent être aplanies par un tribunal d'arbitrage qui est formé de membres de l'Union européenne des postes et des télécommunications suivant le mode prescrit par la Convention postale universelle, et qui procède d'après les prescriptions indiquées également dans cette convention.

Lorsque, d'après cette convention, la nomination de l'arbitre incombe au Bureau de l'Union postale universelle, les arbitres sont désignés par le Bureau de l'Union européenne des postes et des télécommunications.

ARTICLE 7.—*Adhésion*

Toute administration des postes et des télécommunications européenne ou voisine de l'espace européen peut adhérer en tout temps à cet accord. La déclaration d'adhésion doit être transmise au bureau de l'Union qui, de son côté, en avise les administrations de l'Union.

ARTICLE 8.—*Sortie de l'Union*

Chaque administration participante a le droit, sous réserve d'un préavis d'un an, de déclarer par une notification écrite adressée au Bureau de l'Union qu'elle sort de l'Union européenne des postes et des télécommunications. Cette notification n'est valable que pour l'administration de qui elle émane. L'accord reste en vigueur pour les autres administrations participantes.

ARTICLE 9.—*Application de la Convention postale universelle et de la Convention internationale des télécommunications*

Les prescriptions de la Convention postale universelle, des accords par-

hierzu, des Weltnachrichtenvertrags und der dazugehörigen Vollzugsordnungen bleiben unberührt, soweit der Gegenstand nicht durch dieses Übereinkommen oder die Vollzugsordnungen (Artikel 2) ausdrücklich geregelt ist.

ARTIKEL 10.—*Inkrafttreten des Übereinkommens und Vorbehalt der Genehmigung*

Dieses Übereinkommen wird am 1. April 1943 in Kraft treten.

Für eine Verwaltung, die unter Vorbehalt einer Genehmigung unterzeichnet hat, tritt das Übereinkommen nur in Kraft, wenn die Mitteilung von dem Vorliegen der Genehmigung bis zum 31. März 1943 bei der deutschen Postverwaltung eingeht.

ARTIKEL 11.—*Gültigkeit der Texte*

Dieses Übereinkommen wird in deutscher und italienischer Sprache ausgefertigt. Beide Fassungen gelten als Urschrift.

UNTERZEICHNET in einem Stück, das im Archiv der deutschen Postverwaltung aufbewahrt und von dem jeder Verwaltung eine beglaubigte Abschrift übersandt werden wird.

Wien, am 19. Oktober 1942.

ticuliers additionnels y relatifs, de la Convention internationale des télécommunications et des Règlements y annexés restent inchangées pour autant que l'objet n'en est pas expressément réglé par le présent accord ou les règlements d'exécution (art. 2).

ARTICLE 10.—*Mise en vigueur de l'accord et réserve d'approbation*

Le présent accord entrera en vigueur le 1^{er} avril 1943. Pour une administration qui a signé sous réserve d'approbation, l'accord entre en vigueur seulement si la notification de cette approbation est faite avant le 31 mars 1943 auprès de l'Administration des postes d'Allemagne.

ARTICLE 11.—*Validité du texte*

Cet accord est rédigé en allemand et en italien. Les deux rédactions sont valables comme texte original.

VIENNE, le 19 octobre 1942.

[Unterzeichnet:] **Albanien:** unter Vorbehalt der Genehmigung, N. NARACI; **Bulgarien:** Dipl.-Ing. W. PISSOMOFF; **Dänemark:** K. J. JENSEN; **Deutschland:** OHNESORGE; **Finnland:** G. E. F. ALBRECHT; **Italien:** unter Vorbehalt der Genehmigung, G. PESSON; **Kroatien:** unter Vorbehalt der Genehmigung, FRANJO POLJAN; **Niederlande:** W. L. Z. VAN DER VEGTE; **Norwegen:** SVEIN SVENSEN, ANDR. HADLAND; **Rumänien:** unter Vorbehalt der Genehmigung, Col. G. TEODORESCU; **San Marino:** unter Vorbehalt der Genehmigung, Ing. PIO VENTURINI; **Slowakei:** Ing. KUDLÁK; **Ungarn:** unter Vorbehalt der Genehmigung, Dr. FORSTER KÁROLY.

No. 623

AGREEMENT concerning the Regulation of International Military Traffic on the Emergency Military Highway. Signed at San Salvador, December 15, 1942.

ACUERDO sobre la reglamentación del tráfico internacional militar de la carretera militar de emergencia. Firmado en San Salvador, 15 de diciembre de 1942.

EDITOR'S NOTE. This Agreement was preceded by bipartite agreements made by the United States of America with Panama on March 23, 1940, with Costa Rica on January 16, 1942, with El Salvador on February 13, 1942, with Nicaragua on April 8, 1942, and with Honduras on October 26, 1942. *U.S. Executive Agreement Series*, Nos. 293-296, 449. In addition, agreements with respect to the Inter-American Highway were concluded by the United States with Guatemala on May 19, 1943, and May 18, 1948, and with Panama on June 7, 1943. *Idem*, Nos. 345, 365. A convention on the Pan American Highway was signed at Buenos Aires, December 23, 1936 (No. 469, *ante*). An agreement concerning a Trans-Isthmian Highway was concluded by Panama and the United States on September 6, 1940. *U.S. Executive Agreement Series*, No. 448.

RATIFICATIONS. This Agreement was signed on behalf of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and the United States of America. On January 1, 1949, it had been approved by Honduras.

BIBLIOGRAPHY. The text of this Agreement is published in Honduras, *Boletín del Congreso Nacional Legislativo*, March 2, 1943, No. 8, p. 1; 68 Honduras, *La Gaceta* (1943), No. 11,966, p. 1; Honduras, *Decretos del Congreso Nacional*, 1942-1943, pp. 41-44.

E. W. James, "A Quarter Century of Road Building in the Americas," 79 *Bulletin of the Pan American Union* (1945), pp. 609-18.

Not entered into force (January 1, 1949).

[Text not reproduced.]

No. 624

INTER-ALLIED DECLARATION against Acts of Dispossession Committed in Territories under Enemy Occupation or Control. Approved at London, January 5, 1943.

DÉCLARATION INTER-ALLIÉE pour mettre en échec les méthodes d'expropriation pratiquées dans les territoires sous l'occupation ou le contrôle ennemi. Approuvée à Londres, 5 janvier 1943.

EDITOR'S NOTE. This Declaration was accompanied by an explanatory memorandum. *Br. Parl. Papers*, Misc. No. 1 (1943), Cmd. 6418. In the peace treaties of February 10, 1947, with Italy (Article 75), Bulgaria (Article 22), Hungary (Article 24), and Rumania (Article 23), those states accepted the principles of this Declaration and agreed to "return, in the shortest possible time, property removed from the territory of any of the United Nations." *U.S. Treaties and Other International Acts Series*, Nos. 1648-1651.

ACCESSIONS. On January 1, 1949, accessions to or approvals of this Declaration had been notified to the British Government by Argentina, Bolivia, Brazil, Colombia, Ecuador, Egypt, Guatemala, Haiti, Honduras, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela.

BIBLIOGRAPHY. The text of this Declaration is also published in 8 *U.S. Department of State Bulletin* (1943), p. 21; 1 *Soviet Foreign Policy during the Patriotic War: Documents and Materials*, p. 197; Canada, *Treaty Series*, 1943, No. 1. For a French translation, see 67-72 *Jour. du dr. int.* (1945), p. 464; for a Spanish translation, see 3 *Revista peruana de derecho internacional* (1943), p. 89. For correspondence relating to the Declaration, see Colombia, *Memoria de relaciones exteriores*, 1943, pp. 202-4, 213-14.

Entered into force January 5, 1943.

Text from *Br. Parl. Papers*, Misc. No. 1 (1943), Cmd. 6418.

The Governments of the Union of South Africa; the United States of America; Australia; Belgium; Canada; China; the Czechoslovak Republic; the United Kingdom of Great Britain and Northern Ireland; Greece; India; Luxemburg; the Netherlands; New Zealand; Norway; Poland; the Union of Soviet Socialist Republics; Yugoslavia; and the French National Committee:

Hereby issue a formal warning to all concerned, and in particular to persons in neutral countries, that they intend to do their utmost to defeat the methods of dispossession practised by the Governments with which they are at war against the countries and peoples who have been so wantonly assaulted and despoiled.

Accordingly, the Governments making this Declaration and the French National Committee reserve

all their rights to declare invalid any transfers of, or dealings with, property, rights and interests of any description whatsoever which are, or have been, situated in the territories which have come under the occupation or control, direct or indirect, of the Governments with which they are at war, or which belong, or have belonged, to persons (including juridical persons) resident in such territories. This warning applies whether such transfers or dealings have taken the form of open looting or plunder, or of transactions apparently legal in form, even when they purport to be voluntarily effected.

The Governments making this Declaration and the French National Committee solemnly record their solidarity in this matter.

LONDON, January 5, 1943.

No. 625

CONDITIONS of an Armistice with Italy. Signed at Fairfield Camp, Sicily, September 3, 1943.

CONDITIONS de l'armistice avec Italie. Signées à Fairfield Camp, Sicile, 3 septembre 1943.

EDITOR'S NOTE. This was the first of the series of instruments which ended the hostilities in World War II. It was supplemented by the additional conditions of September 29, 1943, as modified on November 9, 1943 (Nos. 625a and 625b, *post*). For a memorandum of agree-

ment on employment and disposition of Italian fleet and mercantile marine of September 23, 1943, and an amendment of November 17, 1943, see *U.S. Treaties and Other International Acts Series*, No. 1604, pp. 28-34; 13 *U.S. Department of State Bulletin* (1945), pp. 755-57. Italy, having declared war on Germany on October 13, 1943, was acknowledged by the Allied Governments as a "co-belligerent." An Allied Control Commission for Italy was established on November 10, 1943. The transfer of control to the Italian Government was outlined in an *aide-memoire* of February 24, 1945, from the President of the Allied Control Commission to the Italian Government. 13 *idem* (1945), p. 757. On the execution of the Italian armistice, see *idem*, p. 759. The peace treaty with Italy, signed at Paris, February 10, 1947, came into force on September 15, 1947. *U.S. Treaties and Other International Acts Series*, No. 1648.

RATIFICATIONS. This instrument was not subject to ratification.

BIBLIOGRAPHY. The text of this instrument is also published in *U.S. Treaties and Other International Acts Series*, No. 1604; *Br. Parl. Papers*, Italy No. 1 (1945), Cmd. 6693, p. 1; 1 *Soviet Foreign Policy during the Patriotic War: Documents and Materials*, p. 235; *United States and Italy, 1936-1946*, U.S. Department of State Publication 2669 (European Series 17), p. 51; 40 *Am. Jour. Int. Law* (Supp., 1946), p. 1. See also 12 *Rivista di studi politici internazionali* (1945), p. 179.

Allied Commission, *A Review of Allied Military Government and of the Allied Commission in Italy* (Rome, 1945), 127 pp.; Anon., "Allied Control Commission for Italy," 11 *U.S. Department of State Bulletin* (1944), pp. 137-38; M. W. Graham, "Two Armistices and a Surrender," 40 *Am. Jour. Int. Law* (1946), pp. 148-58; R. Monaco, "La convenzione di armistizio secondo la legge italiana di guerra," 10 *Rivista di studi politici internazionali* (1943), pp. 283-358; G. Salvemini, "Documents, Public and Secret," 1 *Free Italy* (1945), No. 12, pp. 1-5; E. Wiskemann, "The Breaking of the Axis," 22 *International Affairs* (1946), pp. 227-39.

Entered into force September 3, 1943.¹

Text from 13 *U.S. Department of State Bulletin* (1945), p. 748.

FAIRFIELD CAMP, SICILY

September 3, 1943

The following conditions of an Armistice are presented by General Dwight D. Eisenhower, Commander-in-Chief of the Allied Forces, acting by authority of the Governments of the United States and Great Britain and in the interest of the United Nations, and are accepted by Marshal Pietro Badoglio, Head of the Italian Government.

1. Immediate cessation of all hostile activity by the Italian armed forces.

2. Italy will use its best endeavors to deny, to the Germans, facilities that might be used against the United Nations.

3. All prisoners or internees of the

United Nations to be immediately turned over to the Allied Commander in Chief, and none of these may now or at any time be evacuated to Germany.

4. Immediate transfer of the Italian Fleet and Italian aircraft to such points as may be designated by the Allied Commander in Chief, with details of disarmament to be prescribed by him.

5. Italian merchant shipping may be requisitioned by the Allied Commander in Chief to meet the needs of his military-naval program.

6. Immediate surrender of Corsica and of all Italian territory, both islands and mainland, to the Allies, for such use as operational bases and other purposes as the Allies may see fit.

¹ Published on November 6, 1945.

7. Immediate guarantee of the free use by the Allies of all airfields and naval ports in Italian territory, regardless of the rate of evacuation of the Italian territory by the German forces. These ports and fields to be protected by Italian armed forces until this function is taken over by the Allies.

8. Immediate withdrawal to Italy of Italian armed forces from all participation in the current war from whatever areas in which they may be now engaged.

9. Guarantee by the Italian Government that if necessary it will employ all its available armed forces to insure prompt and exact compliance with all the provisions of this armistice.

10. The Commander in Chief of the Allied Forces reserves to himself the right to take any measure which in his opinion may be necessary for the protection of the interests of the

Allied Forces for the prosecution of the war, and the Italian Government binds itself to take such administrative or other action as the Commander in Chief may require, and in particular the Commander in Chief will establish Allied Military Government over such parts of Italian territory as he may deem necessary in the military interests of the Allied Nations.

11. The Commander in Chief of the Allied Forces will have a full right to impose measures of disarmament, demobilization, and demilitarization.

12. Other conditions of a political, economic and financial nature with which Italy will be bound to comply will be transmitted at a later date.

The conditions of the present Armistice will not be made public without prior approval of the Allied Commander in Chief. The English will be considered the official text.

[Signed:] MARSHAL PIETRO BADOGLIO, *Head of Italian Government*, by: GUISEPPE CASTELLANO, *Brigadier General, attached to the Italian High Command*; DWIGHT D. EISENHOWER, *General, U. S. Army, Commander in Chief, Allied Forces*, by: WALTER B. SMITH, *Major General, U. S. Army, Chief of Staff*.

Present: RT. HON. HAROLD MACMILLAN, *British Resident Minister, A.F.H.Q.*; ROBERT MURPHY, *Personal Representative of the President of the United States*; ROYER DICK, *Commodore, R.N., Chief of Staff to the C. in C. Med.*; LOWELL W. ROOKS, *Major General, U. S. Army, Assistant Chief of Staff, G-3 A.F.H.Q.*; FRANCO MONTANARI, *Official Italian Interpreter*; BRIGADIER KENNETH STRONG, *Assistant Chief of Staff, G-3 A.F.H.Q.*

No. 625a

Instrument of Surrender of Italy. Signed at Malta, September 29, 1943.

Acte de reddition de l'Italie. Signé à Malte, 29 septembre 1943.

EDITOR'S NOTE. This Instrument, which supplements the conditions of armistice of September 3, 1943 (No. 625, *ante*), was modified by a protocol of November 9, 1943 (No. 625b, *post*). For a letter of the Allied Commander in Chief interpreting this Instrument, see 13 *U.S. Department of State Bulletin* (1945), p. 754. See also a commentary on the execution of this Instrument, *idem*, pp. 759-61.

BIBLIOGRAPHY. The text of this Instrument is also published in *Br. Parl. Papers*, Italy No. 1 (1945), Cmd. 6693, p. 4; *United States and Italy, 1936-1946*, U.S. Department of State Publication 2669 (European Series 17), p. 55. See also 12 *Rivista di studi politici internazionali* (1945), p. 181.

Entered into force September 29, 1943.¹

Text from *U.S. Treaties and Other International Acts Series*, No. 1604, p. 3.

Whereas in consequence of an armistice dated September 3rd, 1943, between the United States and the United Kingdom Governments on the one hand and the Italian Government on the other hand, hostilities were suspended between Italy and the United Nations on certain terms of a military nature;

And whereas in addition to those terms it was also provided in the said Armistice that the Italian Government bound themselves to comply with other conditions of a political, economic and financial nature to be transmitted later;

And whereas it is convenient that the terms of a military nature and the said other conditions of a political, economic and financial nature should without prejudice to the continued validity of the terms of the said Armistice of September 3rd, 1943, be comprised in a further instrument;

The following together with the terms of the Armistice of September 3rd, 1943, are the terms on which the United States and United Kingdom Governments acting on behalf of the United Nations are prepared to suspend hostilities against Italy so long as their military operations against Germany and her Allies are not obstructed and Italy does not assist these Powers in any way and complies with the requirements of these Governments.

These terms have been presented by General Dwight D. Eisenhower, Commander-in-Chief, Allied Forces, duly authorised to that effect;

And have been accepted by Mar-

shal Pietro Badoglio, Head of the Italian Government.

1.—(A) The Italian Land, Sea and Air Forces wherever located, hereby surrender unconditionally.

(B) Italian participation in the war in all Theaters will cease immediately. There will be no opposition to landings, movements or other operations of the Land, Sea and Air Forces of the United Nations. Accordingly, the Italian Supreme Command will order the immediate cessation of hostilities of any kind against the Forces of the United Nations and will direct the Italian Navy, Military and Air Force authorities in all Theaters to issue forthwith the appropriate instructions to those under their Command.

(C) The Italian Supreme Command will further order all Italian Naval, Military and Air Forces or authorities and personnel to refrain immediately from destruction of or damage to any real or personal property, whether public or private.

2. The Italian Supreme Command will give full information concerning the disposition and condition of all Italian Land, Sea and Air Forces, wherever they are situated and of all such forces of Italy's Allies as are situated in Italian or Italian occupied territory.

3. The Italian Supreme Command will take the necessary measures to secure airfields, port facilities, and all other installations against seizure or attack by any of Italy's Allies. The Italian Supreme Command will take the necessary measures to insure Law and Order, and to use its

¹ Published on November 6, 1945.

available armed forces to insure prompt and exact compliance with all the provisions of the present instrument. Subject to such use of Italian troops for the above purposes, as may be sanctioned by the Allied Commander-in-Chief, all other Italian Land, Sea and Air Forces will proceed to and remain in their barracks, camps or ships pending directions from the United Nations as to their future status and disposal. Exceptionally such Naval personnel shall proceed to shore establishments as the United Nations may direct.

4. Italian Land, Sea and Air Forces will within the periods to be laid down by the United Nations withdraw from all areas outside Italian territory notified to the Italian Government by the United Nations and proceed to areas to be specified by the United Nations. Such movement of Italian Land, Sea and Air Forces will be carried out in conditions to be laid down by the United Nations and in accordance with the orders to be issued by them. All Italian officials will similarly leave the areas notified except any who may be permitted to remain by the United Nations. Those permitted to remain will comply with the instructions of the Allied Commander-in-Chief.

5. No requisitioning, seizures or other coercive measures shall be effected by Italian Land, Sea and Air Forces or officials in regard to persons or property in the areas notified under Article 4.

6. The demobilization of Italian Land, Sea and Air Forces in excess of such establishments as shall be notified will take place as prescribed by the Allied Commander-in-Chief.

7. Italian warships of all descriptions, auxiliaries and transports will be assembled as directed in ports to be specified by the Allied Commander-in-Chief and will be dealt with as prescribed by the Allied Commander-in-Chief. (Note. If at

the date of the Armistice the whole of the Italian Fleet has been assembled in Allied ports, this article would run—"Italian warships of all descriptions, auxiliaries, and transports will remain until further notice in the ports where they are at present assembled, and will be dealt with as prescribed by the Allied Commander-in-Chief.")

8. Italian aircraft of all kinds will not leave the ground or water or ships, except as directed by the Allied Commander-in-Chief.

9. Without prejudice to the provisions 14, 15 and 28 (A) and (D) below, all merchant ships, fishing or other craft of whatever flag, all aircraft and inland transport of whatever nationality in Italian or Italian-occupied territory or waters will, pending verification of their identity and status, be prevented from leaving.

10. The Italian Supreme Command will make available all information about naval, military and air devices, installations, and defences, about all transport and intercommunication systems established by Italy or her allies on Italian territory or in the approaches thereto, about minefields or other obstacles to movement by land, sea or air and such other particulars as the United Nations may require in connection with the use of Italian bases, or with the operations, security, or welfare of the United Nations Land, Sea or Air Forces. Italian forces and equipment will be made available as required by the United Nations for the removal of the above mentioned obstacles.

11. The Italian Government will furnish forthwith lists of quantities of all war material showing the location of the same. Subject to such use as the Allied Commander-in-Chief may make of it, the war material will be placed in store under such control as he may direct. The ultimate disposal of war material will be prescribed by the United Nations.

12. There will be no destruction of nor damage to nor except as authorized or directed by the United Nations any removal of war material, wireless, radio location or meteorological stations, railroad, port or other installations or in general, public or private utilities or property of any kind, wherever situated, and the necessary maintenance and repair will be the responsibility of the Italian authorities.

13. The manufacture, production and construction of war material and its import, export and transit is prohibited, except as directed by the United Nations. The Italian Government will comply with any directions given by the United Nations for the manufacture, production or construction and the import, export or transit of war material.

14.—(A) All Italian merchant shipping and fishing and other craft, wherever they may be, and any constructed or completed during the period of the present instrument will be made available in good repair and in seaworthy condition by the competent Italian authorities at such places and for such purposes and periods as the United Nations may prescribe. Transfer to enemy or neutral flags is prohibited. Crews will remain on board pending further instructions regarding their continued employment or dispersal. Any existing options to repurchase or re-acquire or to resume control of Italian or former Italian vessels sold or otherwise transferred or chartered during the war will forthwith be exercised and the above provisions will apply to all such vessels and their crews.

(B) All Italian inland transport and all port equipment will be held at the disposal of the United Nations for such purposes as they may direct.

15. United Nations merchant ships, fishing and other craft in Italian hands wherever they may be (including for this purpose those of any

country which has broken off diplomatic relations with Italy) whether or not the title has been transferred as the result of prize court proceedings or otherwise, will be surrendered to the United Nations and will be assembled in ports to be specified by the United Nations for disposal as directed by them. The Italian Government will take all such steps as may be required to secure any necessary transfers of title. Any neutral merchant ship, fishing or other craft under Italian operation or control will be assembled in the same manner pending arrangements for their ultimate disposal. Any necessary repairs to any of the above mentioned vessels will be effected by the Italian Government, if required, at their expense. The Italian Government will take the necessary measures to insure that the vessels and their cargo are not damaged.

16. No radio or telecommunication installations or other forms of intercommunication, shore or afloat, under Italian control whether belonging to Italy or any nation other than the United Nations will transmit until directions for the control of these installations have been prescribed by the Allied Commander-in-Chief. The Italian authorities will conform to such measures for control and censorship of press and of other publications, of theatrical and cinematograph performances, of broadcasting, and also of all forms of intercommunication as the Allied Commander-in-Chief may direct. The Allied Commander-in-Chief may, at his discretion, take over radio, cable and other communication stations.

17. The warships, auxiliaries, transports and merchant and other vessels and aircraft in the service of the United Nations will have the right freely to use the territorial waters around and the air over Italian territory.

18. The forces of the United Na-

tions will require to occupy certain parts of Italian territory. The territories or areas concerned will from time to time be notified by the United Nations and all Italian Land, Sea and Air Forces will thereupon withdraw from such territories or areas in accordance with the instructions issued by the Allied Commander-in-Chief. The provisions of this article are without prejudice to those of article 4 above. The Italian Supreme Command will guarantee immediate use and access to the Allies of all airfields and Naval ports in Italy under their control.

19. In the territories or areas referred to in article 18, all Naval, Military and Air installations, power stations, oil refineries, public utility services, all ports and harbors, all transport and all intercommunication installations, facilities and equipment and such other installations or facilities and all such stocks as may be required by the United Nations will be made available in good condition by the competent Italian authorities with the personnel required for working them. The Italian Government will make available such other local resources or services as the United Nations may require.

20. Without prejudice to the provisions of the present instrument the United Nations will exercise all the rights of an occupying power throughout the territories or areas referred to in article 18, the administration of which will be provided for by the issue of proclamations, orders or regulations. Personnel of the Italian administrative, judicial and public services will carry out their functions under the control of the Allied Commander-in-Chief unless otherwise directed.

21. In addition to the rights in respect of occupied Italian territories described in articles 18 to 20,

(A) Members of the Land, Sea or Air Forces and officials of the United Nations will have the right of pas-

sage in or over non-occupied Italian territory and will be afforded all the necessary facilities and assistance in performing their functions.

(B) The Italian authorities will make available on non-occupied Italian territory all transport facilities required by the United Nations including free transit for their war material and supplies, and will comply with instructions issued by the Allied Commander-in-Chief regarding the use and control of airfields, ports, shipping, inland transport systems and vehicles, intercommunication systems, power stations and public utility services, oil refineries, stocks and such other fuel and power supplies and means of producing same, as United Nations may specify, together with connected repair and construction facilities.

22. The Italian Government and people will abstain from all action detrimental to the interests of the United Nations and will carry out promptly and efficiently all orders given by the United Nations.

23. The Italian Government will make available such Italian currency as the United Nations may require. The Italian Government will withdraw and redeem in Italian currency within such time limits and on such terms as the United Nations may specify all holdings in Italian territory of currencies issued by the United Nations during military operations or occupation and will hand over the currencies withdrawn free of cost to the United Nations. The Italian Government will take such measures as may be required by the United Nations for the control of banks and business in Italian territory, for the control of foreign exchange and foreign commercial and financial transactions and for the regulation of trade and production and will comply with any instructions issued by the United Nations regarding these and similar matters.

24. There shall be no financial,

commercial or other intercourse with or dealings with or for the benefit of countries at war with any of the United Nations or territories occupied by such countries or any other foreign country except under authorisation of the Allied Commander-in-Chief or designated officials.

25.—(A) Relations with countries at war with any of the United Nations, or occupied by any such country, will be broken off. Italian diplomatic, consular and other officials and members of the Italian Land, Sea and Air Forces accredited to or serving on missions with any such country or in any other territory specified by the United Nations will be recalled. Diplomatic and consular officials of such countries will be dealt with as the United Nations may prescribe.

(B) The United Nations reserve the right to require the withdrawal of neutral diplomatic and consular officers from occupied Italian territory and to prescribe and lay down regulations governing the procedure for the methods of communication between the Italian Government and its representatives in neutral countries and regarding communications emanating from or destined for the representatives of neutral countries in Italian territory.

26. Italian subjects will pending further instructions be prevented from leaving Italian territory except as authorised by the Allied Commander-in-Chief and will not in any event take service with any of the countries or in any of the territories referred to in article 25 (A) nor will they proceed to any place for the purpose of undertaking work for any such country. Those at present so serving or working will be recalled as directed by the Allied Commander-in-Chief.

27. The Military, Naval and Air personnel and material and the merchant shipping, fishing and other craft and the aircraft, vehicles and

other transport equipment of any country against which any of the United Nations is carrying on hostilities or which is occupied by any such country, remain liable to attack or seizure wherever found in or over Italian territory or waters.

28.—(A) The warships, auxiliaries and transports of any such country or occupied country referred to in article 27 in Italian or Italian-occupied ports and waters and the aircraft, vehicles and other transport equipment of such countries in or over Italian or Italian-occupied territory will, pending further instructions, be prevented from leaving.

(B) The Military, Naval and Air personnel and the civilian nationals of any such country or occupied country in Italian or Italian-occupied territory will be prevented from leaving and will be interned pending further instructions.

(C) All property in Italian territory belonging to any such country or occupied country or its nationals will be impounded and kept in custody pending further instructions.

(D) The Italian Government will comply with any instructions given by the Allied Commander-in-Chief concerning the internment, custody or subsequent disposal, utilisation or employment of any of the above mentioned persons, vessels, aircraft, material or property.

29. Benito Mussolini, his Chief Fascist associates and all persons suspected of having committed war crimes or analogous offences whose names appear on lists to be communicated by the United Nations will forthwith be apprehended and surrendered into the hands of the United Nations. Any instructions given by the United Nations for this purpose will be complied with.

30. All Fascist organisations, including all branches of the Fascist Militia (MVSN), the Secret Police (OVRA), all Fascist youth organisations will insofar as this is not al-

ready accomplished be disbanded in accordance with the directions of the Allied Commander-in-Chief. The Italian Government will comply with all such further directions as the United Nations may give for abolition of Fascist institutions, the dismissal and internment of Fascist personnel, the control of Fascist funds, the suppression of Fascist ideology and teaching.

31. All Italian laws involving discrimination on grounds of race, color, creed or political opinions will insofar as this is not already accomplished be rescinded, and persons detained on such grounds will, as directed by the United Nations, be released and relieved from all legal disabilities to which they have been subjected. The Italian Government will comply with all such further directions as the Allied Commander-in-Chief may give for repeal of Fascist legislation and removal of any disabilities or prohibitions resulting therefrom.

32.—(A) Prisoners of war belonging to the forces of or specified by the United Nations and any nationals of the United Nations, including Abyssinian subjects, confined, interned, or otherwise under restraint in Italian or Italian-occupied territory will not be removed and will forthwith be handed over to representatives of the United Nations or otherwise dealt with as the United Nations may direct. Any removal during the period between the presentation and the signature of the present instrument will be regarded as a breach of its terms.

(B) Persons of whatever nationality who have been placed under restriction, detention or sentence (including sentences in absentia) on account of their dealings or sympathies with the United Nations will be released under the direction of the United Nations and relieved from all legal disabilities to which they have been subjected.

(C) The Italian Government will

take such steps as the United Nations may direct to safeguard the persons of foreign nationals and property of foreign nationals and property of foreign states and nationals.

33.—(A) The Italian Government will comply with such directions as the United Nations may prescribe regarding restitution, deliveries, services or payments by way of reparation and payment of the costs of occupation during the period of the present instrument.

(B) The Italian Government will give to the Allied Commander-in-Chief such information as may be prescribed regarding the assets, whether inside or outside Italian territory, of the Italian state, the Bank of Italy, any Italian state or semi-state institutions or Fascist organisations or residents in Italian territory and will not dispose or allow the disposal, outside Italian territory of any such assets except with the permission of the United Nations.

34. The Italian Government will carry out during the period of the present instrument such measures of disarmament, demobilisation and demilitarisation as may be prescribed by the Allied Commander-in-Chief.

35. The Italian Government will supply all information and provide all documents required by the United Nations. There shall be no destruction or concealment of archives, records, plans or any other documents or information.

36. The Italian Government will take and enforce such legislative and other measures as may be necessary for the execution of the present instrument. Italian military and civil authorities will comply with any instructions issued by the Allied Commander-in-Chief for the same purpose.

37. There will be appointed a Control Commission representative of the United Nations charged with

regulating and executing this instrument under the orders and general directions of the Allied Commander-in-Chief.

38.—(A) The term "United Nations" in the present instrument includes the Allied Commander-in-Chief, the Control Commission and any other authority which the United Nations may designate.

(B) The term "Allied Commander-in-Chief" in the present instrument includes the Control Commission and such other officers and representatives as the Commander-in-Chief may designate.

39. Reference to Italian Land, Sea and Air Forces in the present instrument shall be deemed to include Fascist Militia and all such other military or para-military units, formations or bodies as the Allied Commander-in-Chief may prescribe.

40. The term "War Material" in the present instrument denotes all material specified in such lists or definitions as may from time to time be issued by the Control Commission.

41. The term "Italian Territory" includes all Italian colonies and dependencies and shall for the purposes of the present instrument (but without prejudice to the question of sovereignty) be deemed to include Albania. Provided however that except in such cases and to such extent as the United Nations may di-

rect the provisions of the present instrument shall not apply in or affect the administration of any Italian colony or dependency already occupied by the United Nations or the rights or powers therein possessed or exercised by them.

42. The Italian Government will send a delegation to the Headquarters of the Control Commission to represent Italian interests and to transmit the orders of the Control Commission to the competent Italian authorities.

43. The present instrument shall enter into force at once. It will remain in operation until superseded by any other arrangements or until the voting into force of the peace treaty with Italy.

44. The present instrument may be denounced by the United Nations with immediate effect if Italian obligations thereunder are not fulfilled or, as an alternative, the United Nations may penalize contravention of it by measures appropriate to the circumstances such as the extension of the areas of military occupation or air or other punitive action.

The present instrument is drawn up in English and Italian, the English text being authentic, and in case of any dispute regarding its interpretation, the decision of the Control Commission will prevail.

SIGNED at Malta on the 29 day of September, 1943.

BADOGLIO

Marshal Pietro Badoglio
Head of the Italian Government

DWIGHT D. EISENHOWER

Dwight D. Eisenhower
*General, United States Army,
Commander-in-Chief, Allied Force*

No. 625b

Protocol Amending the Instrument of Surrender of Italy. Signed at Brindisi, November 9, 1943.

Protocole amendant l'Acte de reddition de l'Italie. Signé à Brindisi, 9 novembre 1943.

BIBLIOGRAPHY. The text of this Protocol is also published in *Br. Parl. Papers*, Italy No. 1 (1945), Cmd. 6693, p. 11.

Entered into force November 9, 1943.

Text from *U.S. Treaties and Other International Acts Series*, No. 1604, p. 23.

It is agreed that the title of the document signed at Malta on September 29, 1943 by Marshal Pietro Badoglio, Head of the Italian Government, and General Dwight D. Eisenhower, Commander-in-Chief, Allied Forces, should be changed to "additional conditions of Armistice with Italy." The following further amendments to this document are also agreed:

In the first paragraph of the Preamble the words "acting in the interests of all the United Nations" are inserted between the words "governments" and "on the one hand". The paragraph in question therefore reads as follows:

"Whereas in consequence of an Armistice dated September 3, 1943 between the United States and United Kingdom Governments acting in the interests of all the United Nations on the one hand, and the Italian Government on the other hand, hostilities were suspended between Italy and United Nations on certain terms of a military nature."

In the fourth paragraph of the Preamble the words "and Soviet" are inserted between the words "United Kingdom" and "Governments", and the word "and" between the words "United States" and "United Kingdom" is deleted. The paragraph in question therefore reads as follows:

"The following, together with the

terms of the Armistice of September 3, 1943, are the terms on which the United States, United Kingdom and Soviet Governments, acting on behalf of the United Nations, are prepared to suspend hostilities against Italy so long as their military operations against Germany and the Allies are not obstructed and Italy does not assist these powers in any way and complies with the requirements of these governments."

In paragraph six of the Preamble the word "unconditionally" is inserted between the word "accepted" and "by". The paragraph in question therefore reads as follows:

"and have been accepted unconditionally by Marshal Pietro Badoglio, Head of the Italian Government representing the Supreme Command of the Italian land, sea and air forces and duly authorized to that effect by the Italian Government."

In Article 1 *a* the word "unconditionally" is deleted. The Article in question therefore reads as follows:

'The Italian land, sea and air forces wherever located hereby surrender.'

Article 29 is amended to read as follows:

"Benito Mussolini, his chief Fascist associates, and all persons suspected of having committed war crimes or analogous offences whose names appear on lists to be communicated by the United Nations and who now or in the future are on

territory controlled by the Allied Military Command or by the Italian Government, will forthwith be apprehended and surrendered into the hands of the United Nations. Any instructions given by the United Nations to this purpose will be complied with."

NOEL MACFARLANE
Lt. General

For the Allied Commander-in-Chief

The present Protocol is drawn up in English and Italian, the English text being authentic, and in case of any dispute regarding its interpretation the decision of the Control Commission will prevail.

SIGNED on the 9th November 1943 at Brindisi.

Il Capo del Governo Italiano:
BADOGLIO

No. 626

CONVENTION on the Inter-American University. Signed at Panama, October 4, 1943.

CONVENCION sobre la Universidad Interamericana. Firmada en Panamá, 4 de octubre de 1943.

EDITOR'S NOTE. This Convention was adopted at the First Conference of Ministers and Directors of Education of the American Republics held at Panama, September 27–October 4, 1943. The Statute of the Inter-American University was adopted at the same time (No. 626a, *post*). The creation of a Pan American University had been recommended by the Third Pan American Scientific Congress held at Lima, December 20, 1924–January 6, 1925. The Bolivarian Congress, held at Panama, June 18–25, 1926, adopted a proposal for the establishment of a Bolivarian University at Panama. The Inter-American Congress of Rectors, Deans, and Educators, held at Habana, February 20–23, 1930, proposed that the Bolivarian University be transformed into a Pan American University. The Eighth American Scientific Congress, held in Washington, May 10–18, 1940, recommended that the Pan American Union "study the most adequate measures to create and support in Panama an autonomous Inter-American University." On March 3, 1943, the Governing Board of the Pan American Union adopted a resolution giving assurance of the Union's cooperation in the furtherance of this object. See also Resolution No. 12 of the First Conference of the Ministers of Public Education of the States of Central America and Panama, held at San José, August 31–September 5, 1942. 64 Costa Rica, *La Gaceta, Diario oficial* (1942), No. 232, p. 1862.

RATIFICATIONS. On January 1, 1949, a ratification of this Convention had been deposited only by Venezuela; it had also been ratified by Honduras.

BIBLIOGRAPHY. The Spanish version of this Convention is also published in Honduras, *Decretos del Congreso Nacional*, 1943–1944, p. 57; *Libro amarillo de los Estados Unidos de Venezuela*, 1944, p. 151.

Anon., "Ministers and Directors of Education of the American Republics, First Conference," 78 *Bulletin of the Pan American Union* (1944), pp. 13–15; Anon., "Primera Conferencia de Ministros y Directores de Educación de las Repúblicas Americanas," 6 *Boletín del Ministerio de Justicia e Instrucción Pública de la Nación Argentina* (1943), pp. 1840–1915; N. Garay, "En Camino hacia la Universidad Panamericana," 4 *Proceedings of the Second Pan American Scientific Congress* (Washington: Government Printing Office, 1917), pp. 563–73; O. Méndez Pereira, "La Universidad Interamericana," 12 *Proceedings of the Eighth American Scientific Congress* (Washington: Department of State, 1943), pp. 53–60.

Not entered into force (January 1, 1949).

Text from Pan American Union, *Congress and Conference Series*, No. 45, p. 46.

The Governments represented at the First Conference of Ministers and Directors of Education of the American Republics,

Considering:

That the creation and effective establishment of an inter-American center of higher learning, a symbol of the moral and spiritual unity of the Americas, has occupied for a long time the attention of the Governments and educators in particular;

This idea has taken concrete form at various Inter-American Congresses, namely: The Third and Eighth Scientific Congresses, as well as the Conference of Ministers of Education of Central America;

The Governing Board of the Pan American Union, by means of a Resolution approved on the third of March of the present year, on the establishment of the Inter-American University in Panama, expresses its gratitude to the Government of Panama for having taken such an important initiative and assures it, at the same time, that the Pan American Union shall lend its most decided support and cooperation in carrying out the plan; and recommends, moreover, to the Governments, members of the Pan American Union, that they cooperate in the manner they deem appropriate in order to assure the success of this project.

Have resolved to sign the present Convention, and to that end have appointed the following Ministers of Education or their representatives:¹

Haiti: Max Rigaud;

Paraguay: José Dahlquist;

Dominican Republic: Víctor Garrido;

Uruguay: Alfredo de Castro;

El Salvador: José Andrés Orantes;

Brazil: Paulo Germano Hasslocher;

Los Gobiernos representados en la Primera Conferencia de Ministros y Directores de Educación de las Repúblicas Americanas,

Considerando:

Que la creación y el establecimiento efectivo de un centro de cultura superior interamericano, símbolo de unidad espiritual y moral de las Américas, ha ocupado durante largo tiempo la atención de los Gobiernos y de los educadores en particular.

Que este pensamiento ha tomado forma concreta durante varios Congresos Interamericanos, a saber: el Tercero y el Octavo Científicos, más la Conferencia de Ministros de Educación de Centro América; y

Que el Consejo Directivo de la Unión Panamericana, mediante Resolución aprobada el día 3 de Marzo del presente año sobre el establecimiento de la Universidad Interamericana en Panamá, expresa su reconocimiento al Gobierno de Panamá por haber tomado tan importante iniciativa y le asegura al mismo tiempo que la Unión Panamericana le prestará su más decidido apoyo y cooperación a fin de que la lleve a la práctica, y encarece, además, a los Gobiernos que integran la Unión Panamericana, que cooperen en la forma que juzguen conveniente para garantizar el buen éxito de este proyecto,

Han resuelto suscribir la presente Convención para cuyo objeto han designado a los siguientes Ministros de Educación o sus Representantes.¹

Haití: Max Rigaud;

Paraguay: José Dahlquist;

República Dominicana: Víctor Garrido;

Uruguay: Alfredo de Castro;

El Salvador: José Andrés Orantes;

Brasil: Paulo Germano Hasslocher;

¹ The titles of plenipotentiaries are omitted.—Ed.

Cuba: José María Chacón y Calvo;
Honduras: Angel G. Hernández;
United States: John W. Studebaker;

Bolivia: Justo Rodas Eguino;
Mexico: Octavio Véjar Vázquez;
Colombia: Carlos Lozano y Lozano;

Guatemala: J. Antonio Villacorta;
Venezuela: Rafael Vegas;
Panama: Víctor F. Goytía;
Ecuador: Abelardo Montalvo;
Argentina: Juan G. Valenzuela;
Chile: Benjamín Claro Velasco;
Nicaragua: Gerónimo Ramírez Brown;

Peru: Enrique Laroza;
Costa Rica: Luis Demetrio Tinoco.

Who, after having deposited their credentials, found to be in due and proper form, have agreed as follows:

Article 1. The Government of the Republic of Panama shall donate the lands on which the buildings of the Inter-American University will be constructed; it shall also donate, as a special contribution to the University, the National Museum of Panama and the equipment, libraries, laboratories, furniture, and financial endowment which formerly belonged to the National University.

Art. 2. The Governments of the American Republics shall contribute to the expenses of maintenance of the University a sum of money which they may decide to allocate, a sum that shall not be less than the quota that they are now paying for the maintenance of the Pan American Union.

Art. 3. The expenses for the construction and equipment which shall be done according to a progressive plan, shall be distributed among the Governments on the same proportional basis established in the preceding article. The Government of the Republic of Panama shall make known, before this Convention is ratified, the building plans and projects and the respective budgets.

Cuba: José María Chacón y Calvo;
Honduras: Angel G. Hernández;
Estados Unidos de América: John W. Studebaker;

Bolivia: Justo Rodas Eguino;
México: Octavio Véjar Vázquez;
Colombia: Carlos Lozano y Lozano;

Guatemala: J. Antonio Villacorta;
Venezuela: Rafael Vegas;
Panamá: Víctor F. Goytía;
Ecuador: Abelardo Montalvo;
Argentina: Juan G. Valenzuela;
Chile: Benjamín Claro Velasco;
Nicaragua: Gerónimo Ramírez Brown;

Perú: Enrique Laroza;
Costa Rica: Luis Demetrio Tinoco.

Quienes, después de haber mostrado sus Poderes o Credenciales, que fueron hallados en buena y debida forma, han convenido lo siguiente:

Artículo 1. El Gobierno de la República de Panamá donará los terrenos donde se construirán los edificios de la Universidad Interamericana; donará asimismo, como contribución especial a la Universidad, el Museo Nacional de Panamá y las instalaciones, bibliotecas, laboratorios, mobiliario y dotación fiscal de que antes disponía la Universidad Nacional.

Art. 2. Los Gobiernos de las Repúblicas Americanas contribuirán a los gastos de mantenimiento de la Universidad con la suma de dinero que tengan a bien erogar, suma que no será inferior a la cuota que actualmente pagan para el mantenimiento de la Unión Panamericana.

Art. 3. Los gastos de construcción e instalación, que se harán de acuerdo con un plan progresivo, se distribuirán entre los Gobiernos sobre la misma base proporcional establecida en el Artículo anterior. El Gobierno de Panamá comunicará, previamente a las ratificaciones de esta Convención, los planes y proyectos de edificación y los presupuestos respectivos.

Art. 4. The Inter-American University shall make a certain number of scholarships available to students of each American country, in proportion to the contribution of each one of these countries to the maintenance of the Institution. In this same manner students shall be able to receive direct help in the form of scholarships from the Governments, universities, and other institutions.

Art. 5. The University shall enjoy all customs, postal, telegraphic and similar privileges, and shall be exempt from taxes, imposts and duties of every kind, stamped paper, and other obligations, in all the signatory countries where the University may solicit these exemptions and facilities. Likewise it shall enjoy governmental privileges with respect to lower tariffs of whatever nature, which may have direct or indirect relation to its purposes.

Art. 6. For the functioning of the rotating courses established by the Statute of the Inter-American University, a common fund shall be created to be formed, first, by the quota that the Inter-American University may agree to allot for this purpose, and second, by the contributions offered by the countries interested in this activity of the University.

Art. 7. The Governments of the signatory countries shall make an examination, through the empowered organizations, of all the institutions or offices which are at present developing activities similar to the purposes of the Inter-American University, in order to prevent possible conflicts and to establish points of coordination.

Art. 8. The signatory Governments also agree to prevent, by the legal means at their disposal, the use of the words, "*Inter-American University*," either in its present form or in combination with other names which might bring about confusion.

Art. 4. La Universidad Interamericana mantendrá una cantidad de becas abiertas para estudiantes de cada país americano, en proporción a la contribución de cada uno de éstos al sostenimiento de la Institución. Del mismo modo los estudiantes podrán recibir ayuda directa en forma de becas de los Gobiernos, las Universidades y otras entidades.

Art. 5. La Universidad gozará de toda clase de franquicias aduaneras, postales, telegráficas y similares y estará exenta de contribuciones, impuestos y derechos de toda clase, timbres, papel sellado y otros tributos en todos los países signatarios donde la Universidad solicite estas liberaciones y facilidades. Igualmente gozará de los privilegios gubernativos en las tarifas rebajadas de cualquier naturaleza, que digan relación directa o indirecta con sus finalidades.

Art. 6. Para el funcionamiento de los cursos de rotación establecidos por el Estatuto de la Universidad Interamericana se creará un fondo común formado: primero, por la cuota que la Universidad Interamericana acordare destinar para este fin, y segundo, por las aportaciones que los países interesados en esta actividad de la Universidad destinen especialmente.

Art. 7. Los Gobiernos de los países signatarios gestionarán la revisión por los organismos capacitados de todos los institutos u oficinas que actualmente desarrollan actividades afines o conexas a los propósitos de la Universidad Interamericana, con los únicos objetos de evitar posibles interferencias y establecer puntos de coordinación.

Art. 8. Se comprometen, asimismo, los Gobiernos signatarios, a impedir por las vías legales que estén a su alcance, el uso de las palabras *Universidad Interamericana*, ya sea unidas las dos, o combinadas con otras que pudieren engendrar confusiones.

Art. 9. This Convention shall be ratified by the high contracting parties in accordance with their constitutional procedures. The Minister of Foreign Affairs of the Republic of Panama shall preserve the originals of this Convention, and shall send certified copies to the Governments for their ratification. The instruments of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory Governments of such deposit; this notification shall be equivalent to an exchange of ratifications.

Art. 10. This Convention shall continue in force for an initial period of ten years. After that time each contracting country which wishes to do so, may withdraw from this Convention by giving advance notice of one year to the Pan American Union.

IN WITNESS WHEREOF, the Ministers of Education of the American Republics or their representatives, by virtue of the authority conferred upon them, sign this Convention in Spanish, English, French and Portuguese, in the city of Panama on the fourth day of October of the year 1943.

RESERVATIONS

Reservation of the Delegation of the United States of America:

The Delegate of the United States of America votes in the affirmative, on the understanding that he will refer the Draft Statute and the Draft Convention of the Inter-American University to his Government, and that neither this vote nor any provision of said Draft Statute or Draft Convention of the Inter-American University shall be considered to commit the Government of the United States in any way. The Delegate requests that this reservation be incorporated in the minutes of this session and in any document of the Conference which may contain the text of the Draft Statute or the Draft Con-

Art. 9. La presente Convención será ratificada por las altas partes contratantes de acuerdo con los procedimientos constitucionales. El Ministro de Relaciones Exteriores de la República de Panamá conservará los originales de esta Convención, y queda encargado de enviar copias auténticas a los Gobiernos, con el referido fin. Los instrumentos de ratificación serán depositados en los archivos de la Unión Panamericana, en Washington, la cual notificará dicho depósito a los Gobiernos signatarios; esta notificación será equivalente a un canje de ratificaciones.

Art. 10. Este convenio tendrá un plazo inicial de diez años. A partir de esta fecha cada país contratante que desee retirarse de este Convenio podrá hacerlo con aviso anticipado de un año, dirigido a la Unión Panamericana.

EN FE DE LO CUAL los Ministros de Educación de las Repúblicas Americanas o sus Representantes, haciendo constar su carácter y poderes, firman la presente Convención en español, inglés, francés y portugués, en la ciudad de Panamá, a los cuatro días del mes de octubre de mil novecientos cuarenta y tres.

RESERVAS

Reserva de la Delegación de los Estados Unidos de América:

El delegado de los Estados Unidos de América vota afirmativamente, en el entendimiento de que referirá el Proyecto del Estatuto y el Proyecto de Convención de la Universidad Interamericana a su Gobierno, y que ni este voto ni cualquier disposición de dicho Proyecto del Estatuto o Proyecto de Convención de la Universidad Interamericana deberá ser considerado como obligatorio, en ninguna forma, para el Gobierno de los Estados Unidos. El delegado pide que esta reserva sea incorporada en el Acta de esta sesión y en cualquier otro documento de la Conferencia que pueda contener el texto del

vention of the Inter-American University.

Reservation of the Delegation of Argentina:

The Argentine Delegation believes that, with the creation of this University, friendship and collaboration among the peoples of the Continent will be intensified; and consequently approves it with great pleasure, subject to the understanding presented to the II Commission, that the degrees conferred by the University shall not have international effect.

Proyecto de Estatuto o el Proyecto de Convención de la Universidad Interamericana.

Reserva de la Delegación Argentina:

La Delegación Argentina considera que con la creación de esta Universidad se intensificará la confraternidad y la colaboración entre los pueblos del Continente; y por consiguiente la aprueba muy complacida, de acuerdo con la aclaración consignada en el seno de la II Comisión en el sentido de que los diplomas que expida no tendrán efecto internacional.

[Signed:] For **Haiti**: *ad referendum*, MAX RIGAUD; for **Paraguay**: *ad referendum* of the approval of my Government, JOSÉ DAHLQUIST; for the **Dominican Republic**: VÍCTOR GARRIDO; for **Uruguay**: ALFREDO DE CASTRO; for **El Salvador**: JOSÉ ANDRÉS ORANTES; for **Brazil**: PAULO G. HASSLOCHER; for **Cuba**: JOSÉ MARÍA CHACÓN Y CALVO; for **Honduras**: ANGEL G. HERNÁNDEZ; for the **United States of America**, with the Reservation set forth above: JOHN W. STUDEBAKER; for **Bolivia**: JUSTO RODAS EGUINO; for **Mexico**: OCTAVIO VÉJAR VÁZQUEZ; for **Colombia**: *ad referendum*, CARLOS LOZANO Y LOZANO; for **Guatemala**: *ad referendum*, J. ANTONIO VILLACORTA; for **Venezuela**: *ad referendum*, RAFAEL VEGAS; for **Panama**: VÍCTOR F. GOYTÍA; for **Ecuador**: ABELARDO MONTALVO; for **Argentina**: with the Reservation set forth above, JUAN G. VALENZUELA; for **Chile**: BENJAMÍN CLARO VELASCO; for **Nicaragua**: GERONIMO RAMÍREZ BROWN; for **Peru**: ENRIQUE LAROZA; for **Costa Rica**: LUIS D. TINOCO.

No. 626a

Statute of the Inter-American University. Adopted at Panama, October 4, 1943.

Estatuto de la Universidad Interamericana. Aprobado en Panamá, 4 de octubre de 1943.

EDITOR'S NOTE. This Statute was adopted by and embodied in the Final Act of the First Conference of Ministers and Directors of Education of the American Republics held at Panama, September 27–October 4, 1943. For the text of the convention on this subject, see No. 626, *ante*.

BIBLIOGRAPHY. The Spanish version of this Statute is also published in *Libro amarillo de los Estados Unidos de Venezuela*, 1944, p. 157.

Not entered into force (January 1, 1949).

Text from Pan American Union, *Congress and Conference Series*, No. 45, p. 51.

Los Gobiernos representados en la Conferencia de Ministros y Directores de Educación de las Repúblicas Americanas,

Whereas: The creation and effective establishment of an inter-American center of higher learning, a symbol of the moral and spiritual unity of the Americas, has occupied for a long time the attention of the Governments and educators in particular;

This idea has taken concrete form at various Inter-American Congresses, namely: the Third and Eighth Scientific Congresses, as well as the Conference of Ministers of Education of Central America;

The Governing Board of the Pan American Union, by means of a Resolution approved on the third of March of the present year, on the establishment of the Inter-American University in Panama, expresses its gratitude to the Government of Panama for having taken such an important initiative and assures it, at the same time, that the Pan American Union shall lend its most decided support and cooperation in carrying out the plan; and recommends, moreover, to the Governments, members of the Pan American Union, that they cooperate in the manner they deem appropriate in order to assure the success of this project.

The Governments represented at the First Conference of Ministers and Directors of Education of the American Republics,

Resolve: To formulate the following Statute which shall set the pattern of the University:

Article 1. The Inter-American University is a community of culture at the service of the nations of America. Its work shall always rest on the fundamental principles of the spiritual, material and biological welfare of our peoples; it shall uphold the democratic postulates and those of freedom of teaching and investigation; it shall respect religious and political beliefs which do not involve anti-democratic differences of caste or race.

Art. 2. The Inter-American University shall have autonomy in all

Considerando: Que la creación y el establecimiento efectivo de un centro de cultura superior interamericano, símbolo de unidad espiritual y moral de las Américas, ha ocupado durante largo tiempo la atención de los Gobiernos y de los educadores en particular;

Que este pensamiento ha tomado forma concreta durante varios Congresos Interamericanos, a saber: El Tercero y el Octavo Científicos, más la Conferencia de Ministros de Educación de Centro América; y

Que el Consejo Directivo de la Unión Panamericana, mediante Resolución aprobada el día 3 de Marzo del presente año, sobre el establecimiento de la Universidad Interamericana en Panamá, expresa su reconocimiento al Gobierno de Panamá por haber tomado tan importante iniciativa y le asegura al mismo tiempo que la Unión Panamericana le prestará su más decidido apoyo y cooperación a fin de que la lleve a la práctica; y encarece, además, a los Gobiernos que integran la Unión Panamericana, que cooperen en la forma que juzguen conveniente para garantizar el buen éxito de este proyecto.

Resuelven: Formular el siguiente Estatuto que normará la vida de la Universidad:

Artículo 1. La Universidad Interamericana es una comunidad de cultura al servicio de las naciones de América. Su labor descansará siempre sobre los principios fundamentales de mejoramiento espiritual, material y biológico de nuestros pueblos; sostendrá los postulados democráticos y los de libertad de enseñanza e investigación; respetará los credos religiosos y políticos que no entrañen diferencias antidemocráticas ni de casta ni de raza.

Art. 2. La Universidad Interamericana tendrá autonomía en todo

its internal activities and shall be endowed with full legal personality in all the signatory countries.

Art. 3. The University shall have its Seat in the capital of Panama and shall be located in the place designated by the Government of Panama.

Art. 4. The Inter-American University shall offer regular courses for non-graduate students, and courses for graduates and post-graduates; in addition, it shall have extension courses on popular culture, institutes of investigation, and seasonal courses to which it can attract groups organized by competent authorities from the different American countries.

Art. 5. As a fundamental basis for its studies and research, the Inter-American University shall be endowed with all departments and laboratories of instruction and research. The laboratories and libraries shall be established with the aid of the governments, individuals and institutions interested in the work of inter-American cooperation.

Art. 6. The University shall offer courses and facilities for research in its various departments and laboratories on all the cultural problems which affect the American hemisphere, with particular emphasis on History, Archeology, Folklore and Popular Arts, Languages, Biology applied to health, Statistics, Economics, and Comparative Legislation. Such instruction shall be imparted both by the teaching personnel proper of the University as well as by visiting or exchange professors and research scholars, or by the competent personnel who, for the same purpose, may be subsidized by charitable or scientific institutions.

Art. 7. The University shall organize a reference service for inter-American technical and cultural consultations, and an information serv-

orden de actividades internas y estará dotada de plena personalidad jurídica en todos los países signatarios.

Art. 3. La Universidad tendrá como sede la ciudad capital de Panamá y estará ubicada en el lugar que designe el Gobierno de la República de Panamá.

Art. 4. La Universidad Interamericana comprenderá cursos regulares para estudiantes no graduados y cursos para graduados y post-graduados; y cursos de extensión cultural popular, institutos de investigación y cursos de estación a los cuales podrá atraer grupos de los diversos países americanos, organizados por autoridades competentes.

Art. 5. Como base fundamental de sus estudios e investigaciones la Universidad Interamericana estará dotada de todos los departamentos y laboratorios de instrucción e investigación. Los laboratorios y bibliotecas podrán ser formados con el auxilio de los gobiernos y de las personas e instituciones interesados en la obra de cooperación interamericana.

Art. 6. La Universidad ofrecerá cursos y facilidades de investigación en sus diversos departamentos y laboratorios sobre todos los problemas de cultura que atañen al Hemisferio Americano, con énfasis particular en la Historia, la Arqueología, el Folklore y las Artes Populares, las Lenguas, la Biología aplicada a la salubridad, la Estadística, Economía y Legislación Comparada, instrucción que será impartida tanto por el personal docente propio de la Universidad, como por los profesores e investigadores visitantes o de intercambio, o el personal competente que con idénticos fines sea subvencionado por instituciones benéficas o científicas.

Art. 7. La Universidad organizará un servicio de referencias, consultas e informaciones técnicas y culturales interamericanas de índole

ice of a bibliographical, economic, financial, educational, meteorological, or other character.

Art. 8. Component parts of the Inter-American University shall be, among other sections which may be agreed upon in the future, six research institutes and schools, as follows:

I. INSTITUTE OF SANITARY SCIENCES, concerned with teaching, research and scientific study of public health and the related sciences in all their aspects; but especially in relation to the problems of hygiene of the greatest importance for the American Continent. Because of the complex character of its structure, the volume of its activities and the importance of its economic effort, the Institute of Sanitary Sciences shall enjoy all the privileges of an autonomous body, administratively as well as technically and economically, and the privileges of an international character which the governments may grant it.

2. INSTITUTE OF AMERICAN ANTHROPOLOGY AND HISTORY, to strengthen the anthropological studies and related sciences, leading to the knowledge of the origins and the development of the peoples of the Continent.

The Institute in its investigations, excavations, etc., shall be empowered to visit, on the indication of the governments, the different countries of the Continent for seminar work or in collaboration with the rotating courses hereinafter set forth.

The results of the investigations and studies of the Institute shall be published and circulated among the Americanist and cultural institutions and the Governments of the Continent.

The bases for these studies shall be the Museum of Anthropology of Panama, which, with the cooperation of the remaining countries, shall be converted gradually into a Mu-

bibliográfica, económica, financiera, educativa, meteorológica y otras materias.

Art. 8. Formarán parte de la Universidad Interamericana, entre otras secciones que en el futuro puedan acordarse, los seis institutos de investigación y seminarios que a continuación se enumeran:

I. INSTITUTO DE CIENCIAS SANITARIAS, encargado de la enseñanza, investigación y estudio científico de la salubridad pública y de las ciencias afines en todos sus aspectos; pero especialmente en relación a los problemas de higiene de mayor trascendencia para el continente americano. Por lo complejo de su estructura, el volumen de sus actividades y la importancia de su gestión económica, el Instituto de Ciencias Sanitarias gozará de todos los privilegios de una entidad autónoma, tanto administrativa como técnica y económicamente, y de los de carácter internacional que le reconozcan los Gobiernos.

2. INSTITUTO DE ANTROPOLOGÍA E HISTORIA AMERICANAS, para profundizar los estudios antropológicos y en ciencias afines, conducentes al conocimiento de los orígenes y el desarrollo de los pueblos del Continente.

El Instituto en sus investigaciones, excavaciones etc., podrá visitar, a indicación de los gobiernos, los diferentes países del Continente en trabajos de seminario o en colaboración con los cursos rotatorios que más adelante se establecen.

Los resultados de las investigaciones y estudios del Instituto serán publicados y difundidos entre las instituciones americanistas y culturales y los Gobiernos del Continente.

Base de estos estudios será el Museo de Antropología de Panamá, el cual, con la cooperación de los demás países, se irá convirtiendo poco a poco en un museo de las

seum of the Americas for the study of indigenous civilizations.

3. INSTITUTE OF COMPARATIVE LEGISLATION AND INTERNATIONAL LAW, for the individual and comparative study of legislation in its different phases in the countries of America, and of International Law.

The Institute of Comparative Legislation and International Law shall have as its aims:

a) To organize courses and research work on topics of comparative legislation and international law, to be offered by outstanding professors and specialists;

b) To publish in the most adequate form the result of its doctrinal works and documents;

c) To create and organize a law library, principally about legislation, jurisprudence, and doctrines of the American Republics;

d) To publish an informative bulletin about the legislative modifications and the legal bibliography of the American countries;

e) To translate into English, Spanish, Portuguese and French, those laws which, because of their special interest, should be circulated throughout the Continent;

f) To collaborate, whenever necessary, in the work of the Pan American Union and to sponsor and organize lectures or meetings of experts.

The American countries offer, in connection with the Institute, to send and continue sending in the future the most complete collection possible of their law works, gazettes, reviews, records and bulletins.

The Directors of the Inter-American University shall arrange that, in the future, in courses organized by the Institute, professors and specialists from all the universities of the Continent shall participate, thereby contributing to a better knowledge of the different laws and doctrinal tendencies, and a more effective co-

Américas para el estudio de sus civilizaciones autóctonas.

3. INSTITUTO DE LEGISLACIÓN COMPARADA Y DERECHO INTERNACIONAL, para el estudio individual y comparativo de la legislación en sus diferentes fases y modalidades en los países de América, y del Derecho Internacional.

El Instituto de Legislación Comparada y Derecho Internacional tendrá por finalidades:

a) Organizar cursos y trabajos de seminario sobre temas de legislación comparada y derecho internacional, a cargo de profesores y especialistas eminentes;

b) Publicar en la forma más adecuada el resultado de sus trabajos doctrinales y de documentación;

c) Crear y organizar una biblioteca jurídica, principalmente de legislación, jurisprudencia y doctrina de todos los países americanos;

d) Publicar un boletín informativo de las modificaciones legislativas y de la bibliografía jurídica de los países americanos;

e) Traducir al inglés, español, portugués y francés, aquellas leyes que por su interés especial merezcan ser difundidas en todo el Continente;

f) Colaborar en cuanto sea requerido en las tareas de la Unión Panamericana y auspiciar y organizar conferencias o reuniones de expertos.

Los países americanos ofrecen, en relación con el Instituto, remitir y continuar remitiendo en adelante una colección lo más completa posible de sus obras jurídicas, gacetas, revistas, registros y boletines.

Los organismos directivos de la Universidad Interamericana cuidarán de que en los cursos sucesivos que organice el Instituto participen profesores y especialistas de todas las Universidades del Continente, para el mejor conocimiento de las distintas legislaciones y tendencias doctrinales y la efectiva convivencia de

operation among the professors and students of America.

The Institute shall organize studies which foster uniformity of legislation of the American Republics in those branches where uniformity may be desirable.

The Institute shall pay attention especially to those post-war problems related to the legal organization and relations of the American Continent and of the whole international life.

4. INSTITUTE OF SOCIAL AND ECONOMIC RESEARCH, for the study of economic and social problems of the Americas.

The principal object of this Institute shall be the study of the war and post-war inter-American economy in its basic aspects; as well as the social problems that are fundamental in the Americas, such as demographic problems and problems of distribution and use of wealth.

The research work of the Institute shall be conducted, whenever the Governments request it, by means of trips, field studies and studies in sections of the Continent, according to the programs to which the University may agree.

The result of the investigations and research work shall be published by the Institute and distributed among the institutions of higher learning and the governments of the Americas.

5. INSTITUTE OF FOLKLORIC RESEARCH, for the promotion of the cultural relations of America which involves as its essential objective the study of folklore in all its manifestations.

The Institute shall coordinate the efforts of research workers of the different countries of the Continent; shall try to develop their own peculiar styles in music, literature and the fine arts; and shall initiate liter-

profesores y discípulos de toda América.

El Instituto hará estudios que propendan a la uniformidad de la legislación de los países americanos en aquellas ramas en que sea conveniente obtener dicha uniformidad.

El Instituto consagrará en sus trabajos especial atención a los problemas que ha de suscitar la post-guerra en orden a la organización y relaciones jurídicas del Continente Americano y de toda la vida internacional.

4. INSTITUTO DE INVESTIGACIONES SOCIALES Y ECONÓMICAS, para el estudio de los problemas de orden económico y social de las Américas.

El objeto primordial de este Instituto será el estudio de la economía interamericana durante y después de la guerra actual en sus hechos básicos; así como de los problemas sociales de carácter fundamental en las Américas, demográficos, de distribución y aprovechamiento de las riquezas.

Las investigaciones del Instituto podrán efectuarse, cuando así lo soliciten los Gobiernos, por medio de viajes de estudio en el campo y por secciones del Continente, según los programas que la Universidad acuerde.

El resultado de las investigaciones y los trabajos de seminario serán publicados por el Instituto y distribuidos entre las instituciones de cultura y los gobiernos de las Américas.

5. INSTITUTO DE INVESTIGACIONES FOLKLÓRICAS, para el fomento de las relaciones culturales de América, que envuelve como objetivo esencial el estudio del folklore en todas sus manifestaciones.

El Instituto coordinará los esfuerzos de los investigadores de los distintos países del Continente y tratará de desarrollar estilos propios en la música, la literatura y las bellas artes; e iniciará actividades litera-

ary, scientific, and artistic activities in accordance with the programs of study.

The Institute shall be provided with all the equipment necessary to carry out its work.

The Institute shall not only collect folkloric data but also distribute them in the form of publications, and shall circulate them by all possible means. In this work it shall make use of excursions through the different countries in research work or in collaboration with the functioning of the rotating courses hereinafter established, or at the special invitation of the Governments.

6. INSTITUTE OF SCIENCES, for the study, investigation and development of the fundamental sciences: mathematics, physics, chemistry and biology, which constitute the basis of all modern technique. The results of the investigations and studies carried out in this Institute shall be made known to all the universities and institutes existing in the Americas.

Art. 9. As an essential activity of the University, bimestral or trimestral courses are created, which shall be given each year in a different country of the Continent, according to the order that results from a periodic drawing by lot.

Art. 10. The place of the courses that are established in the preceding article shall change periodically, so that they may be offered in all the countries of America, granted the previous acceptance of the respective Governments.

Art. 11. The courses shall function with professors and students from the different countries of the Continent. It is recommended to the Governments that their delegations be selected always from among the personalities representative of the distinctive aspects of the culture of the country.

Art. 12. It is left to the judgment of the countries which send students

rias, científicas y artísticas en conformidad con los programas de estudio.

El Instituto dispondrá de los equipos completos necesarios para realizar su labor.

El Instituto no sólo recogerá datos folklóricos sino que los distribuirá en forma de publicaciones y los difundirá por todos los medios posibles de divulgación, y en esta labor podrá efectuar excusiones por los diferentes países, en trabajos de seminario o en colaboración con el funcionamiento de los cursos rotatorios que más adelante se establecen, o a especial invitación de los Gobiernos.

6. INSTITUTO DE CIENCIAS, para el estudio, investigación y fomento de las ciencias fundamentales: matemáticas, físicas, químicas y biológicas, que constituyen la base de toda la técnica moderna. Los resultados de las investigaciones y estudios realizados en este Instituto serán dados a conocer a todas las Universidades e Institutos existentes en las Américas.

Art. 9. Como actividad esencial de la Universidad se crean cursos bimestrales o trimestrales que tendrán lugar cada año en diverso país del Continente, según el orden que resulte de sorteos periódicos.

Art. 10. La sede de los cursos que se establecen en el artículo anterior cambiará periódicamente, a fin de que sus trabajos se realicen en todos los países de América, previa aceptación de los Gobiernos respectivos.

Art. 11. Los cursos funcionarán con profesores y alumnos de los distintos países del Continente. Se recomienda a los Gobiernos que sus delegaciones estén siempre seleccionadas entre las personalidades representativas de los aspectos peculiares de la cultura de cada país.

Art. 12. Queda al arbitrio de los países que envían estudiantes a los

to the rotating courses to fix the academic credits which should be granted for the studies pursued in the courses mentioned.

Art. 13. The countries which serve as the seat of the rotating courses shall offer the temporary use of their equipment, both for teaching and research, as well as their art studies, classrooms, libraries and laboratories.

Art. 14. The Government of the Inter-American University shall be:

a) **THE ADMINISTRATIVE BOARD**, which is the supreme authority of the University, and responsible for giving effect to the provisions of this Statute, and which shall be composed of the heads of diplomatic missions of the American Republics accredited to Panama, or those whom the respective Governments may designate, and by the Minister of Education of the Republic of Panama, who shall preside over it.

The Administrative Board has the following functions:

1. To serve as a means of communication between the University and the Governments of the American Republics.

2. To sanction ultimately the plans, rules and regulations, and provisions of an administrative, academic and cultural character which the University authorities may issue in fulfillment of their functions.

3. To approve the annual budget.

4. To decree the constructions, installations, foundations, and extraordinary investments required by the University.

5. To prepare the necessary general rules and regulations for the operation of the University, and the special regulations for the acceptance and distribution of the gifts made to the University by natural or legal persons. The Administrative Board shall not accept legacies which are contrary to the principles and basic purposes of the University.

cursos rotatorios, fijar los créditos escolares que deban concederse a los estudios seguidos en los mencionados cursos.

Art. 13. Los países que sirvan de sede de los cursos rotatorios facilitarán el uso temporal de sus instalaciones tanto docentes como de investigación, así como de sus talleres de arte, aulas, bibliotecas y laboratorios.

Art. 14. El Gobierno de la Universidad Interamericana será:

a) **LA JUNTA DE ADMINISTRACIÓN**, que es la autoridad suprema de la Universidad, estará encargada de realizar las disposiciones de este estatuto y se integrará por los Jefes de Misiones de las Repúblicas Americanas acreditados en Panamá o por aquellos que los respectivos Gobiernos designen, y por el Ministro de Educación de la República de Panamá, quien la presidirá.

La Junta de Administración tiene las siguientes atribuciones:

1. Servir de medio de comunicación entre la Universidad y los Gobiernos de las Repúblicas Americanas.

2. Sancionar en última instancia los planes, reglamentos y providencias de carácter administrativo, académico y cultural que dicten las autoridades universitarias en cumplimiento de sus atribuciones.

3. Aprobar anualmente los presupuestos.

4. Decretar las construcciones, instalaciones, fundaciones e inversiones extraordinarias que demande la Universidad.

5. Dictar los reglamentos generales necesarios para su funcionamiento y un reglamento especial para aceptar y destinar las donaciones que se hagan a la Universidad por personas naturales o jurídicas. La Junta de Administración no podrá aceptar legados que comprometan los principios y bases constitutivos de la Universidad.

6. To elect the President of the University. In the absence or temporary disability of the President, he shall be replaced, in the capacity of Vice President by the dean of the Directors of the Institute. The President shall serve for a period of five years and may be re-elected.

7. To approve the regulations which the Institute of Sanitary Sciences may present.

8. To appoint the professors and administrative personnel, upon the recommendation of the different Governments and the President of the University.

9. To solicit the reports which it may desire on the economic situation of the University and the movement of its funds and securities.

b) THE UNIVERSITY COUNCIL, which shall be composed of the President of the University, the Deans and Directors of the Faculties and Institutes, and whose organization the Administrative Board shall regulate. It shall take charge of all the academic and education work not specifically resting in another authority.

c) THE PRESIDENT shall be the representative and the executive of the University. In this capacity he shall prepare the budget, which shall be submitted later to the Administrative Board for its examination and approval; he shall call and preside over the University Council, and shall direct the teaching, administrative, disciplinary and financial management. He shall propose to the Administrative Board, after consulting the respective Institute, the nomination of the teaching and administrative personnel necessary for the progress of the Institution; he shall submit for the consideration of the Administrative Board the rules and regulations, reforms and feasible innovations.

The President shall have immediate and continuous control over the

6. Elegir al Rector de la Universidad. En caso de ausencia o imposibilidad temporal del Rector, lo reemplazará, con el carácter de Vice-Rector, el decano de los Directores de los Institutos. El Rector durará cinco años en sus funciones y podrá ser reelegido.

7. Aprobar la reglamentación que el Instituto de Ciencias Sanitarias presente.

8. Nombrar los Profesores y personal administrativo, oyendo las recomendaciones que hagan los distintos Gobiernos y el Rector de la Universidad.

9. Solicitar los informes que desee sobre la situación económica de la Universidad y el movimiento de sus fondos y valores.

b) EL CONSEJO UNIVERSITARIO, que estará integrado por el Rector de la Universidad, por los decanos o Directores de las Facultades o Institutos, y cuya organización reglamentará la Junta de Administración, tendrá a su cargo todo lo relativo a la obra académica y cultural que específicamente no radique en otra autoridad.

c) EL RECTOR será el representante y ejecutivo de la Universidad. En tal carácter preparará el presupuesto que someterá luego a la Junta de Administración para su examen y aprobación; convocará y presidirá el Consejo Universitario y dirigirá la gestión docente, administrativa, disciplinaria y fiscal. Propondrá a la Junta de Administración, previa consulta con el Instituto respectivo, los nombramientos del personal docente y del administrativo que sean necesarios para la buena marcha de la Institución; someterá a la consideración de la Junta de Administración los reglamentos, reformas e innovaciones convenientes.

El Rector controlará de modo inmediato y constante las cuentas de

expense accounts of the University and its movement of funds and securities. He shall report annually on the general state of the financial situation and the accounts of the Institution to the Administrative Board.

Art. 15. On formulating the present Statute, the First Conference of Ministers and Directors of Education of the American Republics expresses its sincere recognition and full adherence to the efforts, acts and measures taken by the Government of Panama up to the present time, toward bringing into being the Inter-American University.

Transitory Articles: 1. The University shall continue for the present to function on the site of the old University of Panama.

2. The Administrative Board of the University is entrusted with suggesting to the Government of the country which may have been fixed as the Seat of the next Conference of Ministers of Education, the opportune time for convoking it. This Conference should take place in 1944 or 1945 so that, in the shortest time possible, the exchange of ideas and studies of the American educational problems may continue, and an analysis made of the results of the Resolutions adopted at this First Conference.

gastos de la Universidad y su movimiento de fondos y valores. Anualmente someterá un estado general de la situación económica y las cuentas de la Institución a la Junta de Administración.

Art. 15. Al formular el presente Estatuto, la Primera Conferencia de Ministros y Directores de Educación de las Repúblicas Americanas consigna de modo permanente su firme reconocimiento y plena adhesión a las gestiones, actos y medidas dictados por el Gobierno de Panamá hasta la fecha, encaminados a dar vida a la Universidad Interamericana.

Artículos Transitorios: 1. La Universidad continuará funcionando por ahora en el local de la antigua Universidad Nacional de Panamá.

2. La Junta de Administración de la Universidad queda encargada de sugerir al Gobierno del país que se haya fijado como Sede de la próxima Conferencia de Ministros de Educación, la oportunidad de convocarla, debiendo ésta realizarse en 1944 o 1945 a fin de continuar, en el menor tiempo posible, el intercambio de ideas y estudios de los problemas educativos americanos así como el análisis del resultado de los Acuerdos tomados en esta Primera Conferencia.

No. 627

MONETARY Convention. Signed at London, October 21, 1943.

CONVENTION monétaire. Signée à Londres, 21 octobre 1943.

EDITOR'S NOTE. Changes in Articles 6 and 7 of this Convention were made by an agreement of May 24, 1946. 31 *United Nations Treaty Series*, p. 169. The economic union between Belgium and Luxemburg was established under a convention of July 25, 1921, later amended. 9 *League of Nations Treaty Series*, p. 224; 134 *idem*, p. 394; 160 *idem*, p. 327. Agreements concerning a common customs régime were concluded by the parties on September 5, 1944, and on March 14, 1947 (Nos. 635, 635a, *post*). An agreement for economic consultation was signed by these states and France on March 20, 1945 (No. 649, *post*). The

parties to this agreement later became members of the International Monetary Fund and the International Bank for Reconstruction and Development established by agreements signed at Washington, December 27, 1945 (Nos. 669-670, *post*).

RATIFICATIONS. For the text of the Netherlands law of November 23, 1946, approving this Convention, see Netherlands *Staatsblad*, 1946, No. G330.

BIBLIOGRAPHY. The text of this Convention is also published in the Netherlands *Staatsblad*, 1944, No. E76, and 1946, No. G330. An English translation is also published in 4 *Belgium* (1943), pp. 516-18.

Anon., "Monetary Pact Explained," 3 *News from Belgium* (1943), p. 373; Anon., "The Netherlands-Belgian Monetary Agreement," 2 *Netherlands News Digest* (1943), pp. 470-73; Anon., "The Netherlands-Belgian Monetary Agreement," 7 *Netherlands News* (1943), pp. 208, 316-19; J. van den Broek, "The Dutch-Belgian Monetary Pact," 8 *idem*, pp. 238-39; H. Fast, "The Netherlands and Belgium," 4 *Belgium* (1943), pp. 386-88; J. Golay, "A propos de l'accord monétaire belgo-hollandais," 2 *Revue économique et sociale* (1944), pp. 112-17; C. Gutt, "A Commentary by the Belgian Minister of Finance," 4 *Belgium* (1943), pp. 518-20.

Entered into force, provisionally, October 21, 1943.

Text and translation supplied by the Netherlands Information Bureau.

[Translation]

The Government of Her Majesty the Queen of the Netherlands, on the one hand,

The Governments of His Majesty the King of the Belgians and Her Royal Highness the Grand Duchess of Luxemburg, on the other hand,

being desirous of stabilizing monetary relations and facilitating the mechanism of payments between the Belgo-Luxemburg Economic Union and the Netherlands, including the overseas territories placed under the sovereignty or mandate of said States, have agreed on the following provisions:

Article 1. From the date of the signature of the present Convention the rate of exchange of the Netherlands florin in relation to the Belgian franc is fixed at one Netherlands florin to 16.52 Belgian francs (3.304 belgas), namely, 100 Belgian francs (20 belgas) to 6.053 Netherlands florins.

This rate is called the "official rate."

No change can be made in the official rate without preliminary agreement between the Netherlands and Belgian Governments.

Le Gouvernement de Sa Majesté la Reine des Pays-Bas, d'une part;

Les Gouvernements de Sa Majesté le Roi des Belges, et de Son Altesse Royale La Grande-Duchesse de Luxembourg, d'autre part;

désireux de stabiliser les rapports monétaires et de faciliter le mécanisme des paiements entre les Pays-Bas et l'Union Economique Belgo-Luxembourgeoise, y compris les territoires d'outre-mer placés sous la souveraineté ou le mandat des Etats précités, sont convenus des dispositions suivantes:

Article 1. A dater de la signature de la présente Convention, le taux de change du florin des Pays-Bas par rapport au franc belge est fixé à: 1 Fl.P.B. pour Frs.b. 16,52 (belgas 3,304), soit 100 Frs.b. (belgas 20) pour Fl.P.B. 6,053.

Ce taux est appelé le "taux officiel."

Aucun changement ne peut être apporté au taux officiel sans accord préalable entre les Gouvernements néerlandais et belge.

Art. 2. The Netherlands and Belgian monetary authorities shall conduct transactions between them on the basis of the official rate.

They shall fix, by common agreement, the buying and selling rates to be applied on markets under their control. These rates shall be the same in the Netherlands and the Belgo-Luxembourg Economic Union; they may not differ from the official rate by more than one-quarter per cent either way.

They shall not exchange, except by agreement, Netherlands florins or Belgian francs against foreign currencies otherwise than at the rates at which those currencies are dealt with on the official market in the Netherlands, in the case of Netherlands florins, or in Belgium, in the case of Belgian francs.

Art 3. For every payment which the Netherlands, the Netherlands Indies or any other part of the Kingdom of the Netherlands may have to make in the territory of the Belgo-Luxembourg Economic Union, in the Belgian Congo or in territories under Belgian Mandate, the Belgian monetary authorities shall furnish Belgian francs to the Netherlands monetary authorities at the official rate against payment in Netherlands florins.

For every payment which the Belgo-Luxembourg Economic Union, the Colony of the Belgian Congo or the territories under Belgian mandate may have to make in the Netherlands, the Netherlands Indies or any other part of the Kingdom of the Netherlands, the monetary authorities of the Netherlands shall furnish Netherlands florins to the Belgian monetary authorities at the official rate against payment in Belgian francs.

Art. 4. The Netherlands monetary authorities shall furnish to the Belgian monetary authorities, against payment in Netherlands florins, the florins of the Netherlands Indies or

Art. 2. Les autorités monétaires néerlandaises et belges traiteront entre elles sur la base du taux officiel.

Elles fixeront de commun accord les cours acheteurs et vendeurs qui seront pratiqués sur les marchés qui dépendent d'elles. Ces cours seront les mêmes dans les Pays-Bas et dans l'Union Economique Belgo-Luxembourgeoise; ils ne pourront s'écarter du taux officiel de plus de $\frac{1}{4}\%$, en plus ou en moins.

Elles n'échangeront, sauf accord, des florins des Pays-Bas ou des francs belges contre des devises étrangères qu'aux taux auxquels ces devises sont traitées sur le marché officiel, aux Pays-Bas s'il s'agit de florins des Pays-Bas, ou en Belgique s'il s'agit de francs belges.

Art. 3. Pour tout paiement que les Pays-Bas, les Indes Néerlandaises ou toute autre partie du Royaume des Pays-Bas auraient à effectuer dans le territoire de l'Union Economique Belgo-Luxembourgeoise, au Congo Belge ou dans les territoires sous mandat belge, les autorités monétaires belges fourniront aux autorités monétaires néerlandaises des francs belges au taux officiel contre paiement en florins des Pays-Bas.

Pour tout paiement que l'Union Economique Belgo-Luxembourgeoise, la Colonie du Congo Belge ou les territoires sous mandat belge auraient à effectuer aux Pays-Bas, dans les Indes Néerlandaises ou dans toute autre partie du Royaume des Pays-Bas, les autorités monétaires des Pays-Bas fourniront aux autorités monétaires belges des florins des Pays-Bas au taux officiel contre paiement en francs belges.

Art. 4. Les autorités monétaires néerlandaises fourniront aux autorités monétaires belges contre paiement en florins des Pays-Bas les florins des Indes Néerlandaises ou de

any other part of the Kingdom of the Netherlands necessary to make any payment in the Netherlands Indies or any other part of the Kingdom of the Netherlands.

The Belgian monetary authorities shall furnish the Netherlands monetary authorities, against payment in Belgian francs, the Congolese francs necessary to make any payment in the Belgian Congo or in the territories under Belgian mandate.

The Governments and monetary authorities of the Netherlands and Belgium shall consult together periodically with the object of taking, by common agreement, measures necessary to maintain the flexibility of the mechanism of payments and to prevent any operations incompatible with the monetary and economic policy of the Netherlands and Belgium.

Art. 5. All Belgian francs held by the Netherlands and all Netherlands florins held by Belgium may freely be used for operations contemplated in the present Convention.

Art. 6. The Netherlands and Belgium respectively shall keep accounts of the operations effected in the application of Article 3 of the present Convention.

The Netherlands shall keep this account in Netherlands florins; Belgium, in Belgian francs.

The balances of these accounts shall be cleared at the official rates in round sums on the last day of each month.

The Netherlands and Belgium respectively shall, however, have the right to clear the balances during the month.

That part of the credit balances exceeding 30,250,000 Netherlands florins or 500,000,000 Belgian francs shall bear interest at the current rate, payable by the debtor country. That interest, calculated at the official discount rate for accepted bills applied by the bank of issue of the

toute autre partie du Royaume des Pays-Bas, nécessaires pour effectuer tout paiement aux Indes Néerlandaises ou dans toute autre partie du Royaume des Pays-Bas.

Les autorités monétaires belges fourniront aux autorités monétaires néerlandaises contre paiement en francs belges les francs congolais nécessaires pour effectuer tout paiement au Congo Belge ou dans les territoires sous mandat belge.

Les Gouvernements et les autorités monétaires des Pays-Bas et de Belgique se consulteront périodiquement dans le but d'arrêter de commun accord les mesures nécessaires pour maintenir la souplesse du mécanisme des paiements et pour prévenir toutes opérations incompatibles avec la politique monétaire et économique des Pays-Bas et de la Belgique.

Art. 5. Tous les francs belges détenus par les Pays-Bas ainsi que tous les florins des Pays-Bas détenus par la Belgique pourront être librement utilisés pour les opérations visées par la présente Convention.

Art. 6. Les Pays-Bas et la Belgique tiendront respectivement le compte des opérations effectuées en application de l'article 3 de la présente Convention.

Les Pays-Bas tiendront ce compte en florins des Pays-Bas; la Belgique, en francs belges.

Les soldes de ces comptes seront compensés au taux officiel, par sommes rondes, le dernier jour de chaque mois.

Les Pays-Bas et la Belgique auront toutefois respectivement le droit de compenser dans le courant du mois.

La partie des soldes créditeurs supérieure à trente millions deux cent cinquante mille florins des Pays-Bas ou à cinq cents millions de francs belges portera intérêt, prorata temporis, à charge du pays débiteur. Cet intérêt, calculé au taux officiel de l'escompte des traites acceptées

debtor country, shall be applied on the last day of each three calendar months.

Art. 7. If, at a given moment, in consequence of the application of Article 3 of the present Convention, the Netherlands has a credit balance of more than 1,000,000,000 Belgian francs or if Belgium has a credit balance of more than 60,500,000 Netherlands florins, the two Governments shall consult together with a view to putting an end to the disequilibrium.

Art. 8. Without prejudice to the provisions of Article 11 below, no gold or any other kind of collateral shall be demanded as security for the balances accruing from the application of the present Convention, and no demand shall be made for conversion of these balances into gold or foreign currencies.

On the other hand, the country with the debit balance shall have the right at any time to effect reimbursements in gold. The metal shall be accepted at the purchase price paid for gold by the bank of issue of the creditor country.

Subject to the agreement of the creditor country, the debtor country may also effect reimbursements by means of payments in foreign currencies at the purchase price of the latter paid by the bank of issue of the creditor country.

It is in particular the intention of the Netherlands and Belgium to offer and accept payments in foreign currencies to correct any disequilibrium that may result from commercial operations between the High Contracting Parties which have their origin in imports paid for by one of them in foreign currencies and which result in exports for which payment is made to the other in foreign currencies.

Art. 9. If the Netherlands and Belgium should decide to modify the official rate, the accounts should be drawn up and balanced at the

pratiqué par l'Institut d'Emission du pays débiteur, sera appliqué le dernier jour de chaque trimestre calendrier.

Art. 7. Si, à un moment donné, en conséquence de l'application de l'article 3 de la présente Convention, les Pays-Bas sont créanciers par solde de plus d'un milliard de francs belges ou si la Belgique est créancière par solde de plus de soixante millions cinq cent mille florins des Pays-Bas, les deux Gouvernements se consulteront en vue de mettre fin à ce déséquilibre.

Art. 8. Sans préjudice des dispositions de l'article 11 ci-après, aucune garantie en or ni autre garantie réelle ne sera demandée en gage des soldes résultant de l'application de la présente Convention, et aucune demande de conversion de ces soldes en or ou en devises étrangères ne sera introduite.

Par contre, le pays débiteur par solde aura toujours le droit d'effectuer des remboursements en or. Le métal sera accepté au prix d'achat de l'or pratiqué par l'Institut d'Emission du pays créancier.

Moyennant l'accord du pays créancier, le pays débiteur pourra également opérer des remboursements au moyen de paiements en devises étrangères au prix d'achat de celles-ci par l'Institut d'Emission du pays créancier.

Il entre notamment dans l'intention des Pays-Bas et de la Belgique d'offrir et d'accepter des paiements en devises étrangères pour corriger les déséquilibres qui résulteraient d'opérations commerciales conclues entre les Hautes Parties Contractantes ayant pour origine des importations acquittées par l'une d'elles en devises étrangères et aboutissant à des exportations payées à l'autre en devises étrangères.

Art. 9. Si les Pays-Bas et la Belgique décidaient de modifier le taux officiel, les comptes seraient arrêtés et compensés au taux officiel

official rate in force up to that time. The amount of the final credit balance, if expressed in currency which has varied in relation to gold, should be adjusted by the debtor country in proportion to that variation.

Account shall be taken, in calculating the final balance, of amounts for which, by reason of forward exchange contracts of the Netherlands or Belgium, the monetary authorities may be pledged at the date on which the change was made.

Art. 10. Subject to the agreement of the Netherlands monetary authorities, payments in favor of third countries may be made by the Belgian monetary authorities by means of florins held by them, and subject to the agreement of the Belgian monetary authorities, payments in favor of third countries may be made by the Netherlands monetary authorities by means of Belgian francs held by them.

Art. 11. Should the present Convention be denounced, the final credit balance would be used for acquisition of Treasury Bonds issued by the debtor country.

These Treasury Bonds would be issued in the currency of the creditor country; they would bear interest at 3 per cent and would be amortized in conformity with an amortization table to be established by common agreement between the Netherlands and Belgium, the total duration of the amortization, however, not to exceed five years.

As guarantee for the amortization and payment of interest on these Bonds, appropriate securities would be constituted in favor of the creditor country.

Art. 12. It shall be the duty of the Netherlands monetary authorities and the Belgian monetary authorities to take individually the necessary measures to maintain between their currency and those of third countries a relation corresponding to the official rate provided for in

jusque là en vigueur. Le montant du solde créditeur final, s'il était exprimé dans la devise qui a varié par rapport à l'or, serait réajusté par le pays débiteur dans la proportion de cette variation.

Il sera tenu compte dans le calcul du solde final des montants pour lesquels, à raison de contrats de change à terme, les autorités monétaires néerlandaises ou belges seraient engagées à la date à laquelle interviendrait le changement de taux.

Art. 10. Moyennant l'accord des autorités monétaires néerlandaises des paiements en faveur de pays tiers pourront être effectués par les autorités monétaires belges au moyen de florins détenus par elles et moyennant l'accord des autorités monétaires belges, des paiements en faveur de pays tiers pourront être effectués par les autorités monétaires néerlandaises au moyen de francs belges détenus par elles.

Art. 11. Si la présente Convention venait à être dénoncée, le solde créditeur final serait affecté à l'acquisition de Bons du Trésor émis par le pays débiteur.

Ces Bons du Trésor seraient émis dans la monnaie du pays créancier; ils porteraient intérêt à 3% et devraient être amortis conformément à un tableau d'amortissement à établir de commun accord entre les Pays-Bas et la Belgique, sans toutefois que la durée totale de l'amortissement ne dépasse cinq années.

En garantie de l'amortissement et du paiement des intérêts de ces Bons, des gages appropriés seraient constitués au profit du pays créancier.

Art. 12. Il appartient aux autorités monétaires néerlandaises et aux autorités monétaires belges de prendre individuellement les mesures nécessaires pour maintenir entre leur monnaie et celles des pays tiers un rapport correspondant au taux officiel prévu à l'article 1 de la pré-

Article 1 of the present Convention. With a view, however, to insuring unity of action, they shall establish permanent contact between themselves, shall keep each other mutually informed, and shall consult together on all questions relating to monetary and economic policy, as well as on any action which may appear to be necessary.

They shall also insure coordination of measures which they may decide to take on their respective markets.

Art. 13. The Nederlandsche Bank and the Banque Nationale de Belgique shall be charged respectively by the Government of the Kingdom of the Netherlands and the Government of the Kingdom of Belgium, and with the guarantee of the State, with the application of the provisions of the present Agreement; they shall establish the contacts desirable for that purpose and in particular those contemplated by Articles 4 and 12 above. They shall be empowered to conclude the necessary agreements with international organizations in which their Government participates.

Art. 14. Nothing in the present Convention shall prevent the Netherlands and Belgium from adhering to multilateral international agreements relating to stabilization of exchange. They pledge themselves to do so only jointly.

On the other hand, third countries may adhere to the present Convention subject to the agreement of the Netherlands and Belgian Governments.

Art. 15. In order to make the present Convention fully effective the High Contracting Parties shall endeavor to establish close solidarity in their commercial relations.

Art. 16. Subject to at least two years' notice, the present Convention may be terminated on January 1 of each year as from January 1, 1949.

sente Convention. Toutefois, en vue d'assurer une unité d'action, elles établiront entre elles un contact permanent, se tiendront mutuellement informées et se consulteront sur toutes questions relatives à la politique monétaire et économique ainsi qu'à l'occasion de toute action qui paraîtrait nécessaire.

Elles assureront également la coordination des mesures qu'elles seraient amenées à prendre sur leurs marchés respectifs.

Art. 13. La Nederlandsche Bank et la Banque Nationale de Belgique seront chargées respectivement par le Gouvernement du Royaume des Pays-Bas et par le Gouvernement du Royaume de Belgique et avec la garantie de l'Etat, de l'application des dispositions de la présente Convention; elles établiront les contacts désirables à cet effet et notamment ceux prévus aux articles 4 et 12 ci-dessus. Elles seront habilitées à passer les conventions nécessaires avec les organismes internationaux auxquels participera leur Gouvernement.

Art. 14. Rien dans la présente Convention ne s'oppose à ce que les Pays-Bas et la Belgique n'adhèrent à des accords internationaux multilatéraux relatifs à la stabilisation des changes. Ils s'engagent à ne le faire que conjointement.

D'autre part, des pays tiers pourront adhérer à la présente Convention moyennant l'accord des Gouvernements Néerlandais et Belge.

Art. 15. Afin de donner toute son efficacité à la présente Convention, les Hautes Parties Contractantes s'emploieront à établir une étroite solidarité dans leur relations commerciales.

Art. 16. Moyennant un préavis d'au moins deux ans, il pourra être mis fin à la présente Convention au 1^{er} janvier de chaque année, à partir du 1^{er} janvier 1949.

Art. 17. The present Convention shall be ratified and ratifications shall be exchanged as soon as possible.

Meanwhile, it shall become effective provisionally from the moment of signature, and the Netherlands Government or the Belgian Government shall have the right to bring it to an end at any time on giving six months' notice. In the latter eventuality, the provisions of Article 11 would be applied.

IN FAITH WHEREOF the Plenipotentiaries, duly empowered for that purpose, have signed the present Convention and have thereunto affixed their seals.

DONE in triplicate at London, October 21, 1943, in Dutch and French, both texts being equally authentic.

[Signed: E. N. VAN KLEFFENS, J. VAN DEN BROEK, H. J. VAN MOOK, P. KERSTENS, P. H. SPAAK, GUTT, A. DE VLEESCHAUWER, J. BECH, V. BODSON.]

Art. 17. La présente Convention sera ratifiée et les ratifications en seront échangées aussitôt que possible.

En attendant, elle sortira provisoirement ses effets dès le moment de la signature, avec faculté pour le Gouvernement Néerlandais ou pour le Gouvernement Belge d'y mettre fin à tout moment moyennant un préavis de six mois. Dans cette dernière éventualité, il serait fait application des dispositions de l'article 11.

EN FOI DE QUOI, les Plénipotentiaires, munis des pouvoirs nécessaires à cet effet, ont signé la présente Convention et l'ont revêtue de leur cachet.

Fait en triple original, en néerlandais et en français, les deux textes faisant également foi, à Londres, le 21 octobre 1943.

No. 628

DECLARATION on General Security. Signed at Moscow, October 30, 1943.

DÉCLARATION sur sécurité générale. Signée à Moscou, 30 octobre 1943.

EDITOR'S NOTE. This Declaration was adopted at the Conference of Foreign Secretaries of the United States of America, Great Britain, and the Soviet Union, held at Moscow, October 19-30, 1943. For an account of the conference, see 9 *U.S. Department of State Bulletin* (1943), pp. 307, 341. The Moscow conference was followed by conferences of heads of government at Tehran and Cairo, November and December 1943; at Crimea, February 1945; and at Berlin (Potsdam), July and August 1945. The Moscow Declaration led to the signing of the Charter of the United Nations at San Francisco on June 26, 1945 (No. 653, *post*); Article 106 of the Charter envisaged the continuance of the consultations provided for in paragraph 5 of this Declaration.

RATIFICATIONS. This Declaration was not subject to ratification.

BIBLIOGRAPHY. The Declaration is also published in 1 *Soviet Foreign Policy during the Patriotic War: Documents and Materials*, p. 241; 38 *Am. Jour. Int. Law* (Supp., 1944), p. 5. For a Spanish translation, see 3 *Revista peruana de derecho internacional* (1943), p. 494.

P. B. Potter, "Moscow; Cairo; Teheran," 38 *Am. Jour. Int. Law* (1944), pp. 108-11.

Entered into force October 30, 1943.

Text from 9 *U. S. Department of State Bulletin* (1943), p. 308.

The Governments of the United States of America, the United Kingdom, the Soviet Union and China:

united in their determination, in accordance with the Declaration by the United Nations of January 1, 1942, and subsequent declarations, to continue hostilities against those Axis powers with which they respectively are at war until such powers have laid down their arms on the basis of unconditional surrender;

conscious of their responsibility to secure the liberation of themselves and the peoples allied with them from the menace of aggression;

recognizing the necessity of ensuring a rapid and orderly transition from war to peace and of establishing and maintaining international peace and security with the least diversion of the world's human and economic resources for armaments;

jointly declare:

1. That their united action, pledged for the prosecution of the war against their respective enemies, will be continued for the organization and maintenance of peace and security.

2. That those of them at war with a common enemy will act together in all matters relating to the surrender and disarmament of that enemy.

3. That they will take all meas-

ures deemed by them to be necessary to provide against any violation of the terms imposed upon the enemy.

4. That they recognize the necessity of establishing at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving states, and open to membership by all such states, large and small, for the maintenance of international peace and security.

5. That for the purpose of maintaining international peace and security pending the re-establishment of law and order and the inauguration of a system of general security, they will consult with one another and as occasion requires with other members of the United Nations with a view to joint action on behalf of the community of nations.

6. That after the termination of hostilities they will not employ their military forces within the territories of other states except for the purposes envisaged in this declaration and after joint consultation.

7. That they will confer and cooperate with one another and with other members of the United Nations to bring about a practicable general agreement with respect to the regulation of armaments in the post-war period.

V. MOLOTOV, ANTHONY EDEN, CORDELL HULL, FOO PING-SHEUNG

Moscow, 30th October, 1943.

No. 629

AGREEMENT for United Nations Relief and Rehabilitation Administration. Signed at Washington, November 9, 1943.

ACCORD sur l'Administration des Nations Unies pour les Secours et la Reconstruction. Signé à Washington, 9 novembre 1943.

EDITOR'S NOTE. Drafts of this Agreement were submitted by the Government of the United States to other governments on June 10 and September 20, 1943. 8 *U.S. Department of State Bulletin* (1943), p. 523; 9 *idem* (1943), p. 211. Additional functions were conferred on the Administration by the sanitary conventions of December 15, 1944 (Nos. 643, 644, *post*). The Central Committee was enlarged in 1945 and 1946. The Council of the Administration held its first session at Atlantic City, November 10–December 1, 1943. Formal agreements concerning supplies and services were concluded by the Administration with the governments of ten states. The activities of the Administration were discontinued in 1947, its functions being transferred to various specialized agencies of the United Nations. Reports of the Director General, October–December 1946, pp. 74–75; July–December, 1947, pp. 317–46. By an agreement of September 27, 1948, the residual assets of the Administration were transferred to the United Nations. U.N. Doc. A/810, p. 104. When it closed its books on March 31, 1949, UNRRA had spent almost four billion dollars for relief and rehabilitation. An International Relief Union had been established by a convention opened to signature at Geneva, July 12, 1927, which came into force in 1932 (No. 178, *ante*).

RATIFICATIONS. All of the signatories approved or ratified the Agreement. Denmark and the Byelorussian and Ukrainian Soviet Republics became parties to the Agreement in 1945, and Turkey in 1946.

BIBLIOGRAPHY. The text of this Agreement is also published in *British Treaty Series*, No. 3 (1943), Cmd. 6491; Canada, *Treaty Series*, 1943, No. 16. For a French translation, see Belgium, *Bulletin usuel des lois et arrêtés*, 1945, p. 519; for a Spanish translation, see Guatemala, *Memoria de las labores del Poder Ejecutivo en el ramo de relaciones exteriores*, 1943, p. 153; 4 *Revista peruana de derecho internacional* (1944), p. 276. Detailed accounts of UNRRA activities were published in the quarterly reports of the Director General to the Council.

Anon., "The United Nations Relief and Rehabilitation Administration," 49 *Int. Labour Rev.* (1944), pp. 145–59; W. Arnold-Forster, "UNRRA's Prospects," 15 *Political Quarterly* (1944), pp. 57–65; G. Brand, "International Relief Machinery," 9 *London Quarterly of World Affairs* (1944), pp. 144–48; H. W. Briggs, "The UNRRA Agreement and Congress," 38 *Am. Jour. Int. Law* (1944), pp. 650–58; V. M. Dean, "UNRRA—A Step Toward Reconstruction," 19 *Foreign Policy Reports* (1944), pp. 266–76; A. G. B. Fisher, "The Constitution and Work of UNRRA," 20 *International Affairs* (1944), pp. 317–30; G. G. Goodman, "UNRRA in Perspective," 2 *Year Book of World Affairs* (1948), pp. 197–224; G. Gutiérrez y Sánchez, *El problema de los refugiados: La política de la UNRRA respecto a las poblaciones desarraigadas* (Habana, 1944), 108 pp.; L. Hamori, "L'Administration des Nations Unies pour le Secours et la Restauration," 8 *Revue pour l'étude des calamités* (1945), pp. 159–76; J. P. Harris, "The Development of an International Civil Service for the Administration of Relief and Rehabilitation of War Devastated Areas," 31 *Iowa Law Review* (1945), pp. 90–102; P. C. Jessup, "UNRRA—Sample of World Organization," 22 *Foreign Affairs* (1944), pp. 362–73; J. A. Keyser and L. C. Marsh, "UNRRA and Its Task," 11 *London Quarterly of World Affairs* (1946), pp. 325–35; H. H. Lehman, "Some Problems in International Administration," 5 *Public Administration Review* (1945), pp. 93–101; L. L. Leonard, "UNRRA and the Concept of Regional International Organization," 30 *Iowa Law Review* (1945), pp. 489–514; C. Parry, "The United Nations Relief and Rehabilitation Organization," 23 *British Year Book of International Law* (1946), pp. 495–96; A. H. Robertson, "Some Legal

Problems of UNRRA," *idem*, pp. 142-67; W. A. Sawyer, "Achievements of UNRRA as an International Health Organization," 37 *American Journal of Public Health* (1947), pp. 41-58; T. A. Sumberg, "The Financial Experience of UNRRA," 39 *Am. Jour. Int. Law* (1945), pp. 698-712; *UNRRA—Organization, Aims, Progress* (Rev. ed., Washington, 1945), 34 pp.; Z. Warhaftig, *Relief and Rehabilitation—Implications of the UNRRA Program for Jewish Needs* (New York, 1944), 223 pp.

Entered into force November 9, 1943.

Text from *U.S. Executive Agreement Series*, No. 352.

The Governments or Authorities whose duly authorized representatives have subscribed hereto,

Being United Nations or being associated with the United Nations in this war,

Being determined that immediately upon the liberation of any area by the armed forces of the United Nations or as a consequence of retreat of the enemy the population thereof shall receive aid and relief from their sufferings, food, clothing and shelter, aid in the prevention of pestilence and in the recovery of the health of the people, and that preparation and arrangements shall be made for the return of prisoners and exiles to their homes and for assistance in the resumption of urgently needed agricultural and industrial production and the restoration of essential services,

Have agreed as follows:

ARTICLE I

There is hereby established the United Nations Relief and Rehabilitation Administration.

1. The Administration shall have power to acquire, hold and convey property, to enter into contracts and undertake obligations, to designate or create agencies and to review the activities of agencies so created, to manage undertakings and in general to perform any legal act appropriate to its objects and purposes.

2. Subject to the provisions of Article 7, the purposes and functions of the Administration shall be as follows:

(a) To plan, coordinate, administer or arrange for the administration of measures for the relief of victims of war in any area under the control of any of the United Nations through the provision of food, fuel, clothing, shelter and other basic necessities, medical and other essential services; and to facilitate in such areas, so far as necessary to the adequate provision of relief, the production and transportation of these articles and the furnishing of these services. The form of activities of the Administration within the territory of a member government wherein that government exercises administrative authority and the responsibility to be assumed by the member government for carrying out measures planned by the Administration therein shall be determined after consultation with and with the consent of the member government.

(b) To formulate and recommend measures for individual or joint action by any or all of the member governments for the coordination of purchasing, the use of ships and other procurement activities in the period following the cessation of hostilities, with a view to integrating the plans and activities of the Administration with the total movement of supplies, and for the purpose of achieving an equitable distribution of available supplies. The Administration may administer such coordination measures as may be authorized by the member governments concerned.

(c) To study, formulate and rec-

commend for individual or joint action by any or all of the member governments measures with respect to such related matters, arising out of its experience in planning and performing the work of relief and rehabilitation, as may be proposed by any of the member governments. Such proposals shall be studied and recommendations formulated if the proposals are supported by a vote of the Council, and the recommendations shall be referred to any or all of the member governments for individual or joint action if approved by unanimous vote of the Central Committee and by vote of the Council.

ARTICLE 2.—*Membership*

The members of the United Nations Relief and Rehabilitation Administration shall be the governments or authorities signatory hereto and such other governments or authorities as may upon application for membership be admitted thereto by action of the Council. The Council may, if it desires, authorize the Central Committee to accept new members between sessions of the Council.

Wherever the term "member government" is used in this Agreement it shall be construed to mean a member of the Administration whether a government or an authority.

ARTICLE 3.—*The Council*

1. Each member government shall name one representative, and such alternates as may be necessary, upon the Council of the United Nations Relief and Rehabilitation Administration, which shall be the policy-making body of the Administration. The Council shall, for each of its sessions, select one of its members to preside at the session. The Council shall determine its own rules of procedure. Unless otherwise provided by the Agreement or by action of the Council, the Council shall vote by simple majority.

2. The Council shall be convened in regular session not less than twice a year by the Central Committee. It may be convened in special session whenever the Central Committee shall deem necessary, and shall be convened within thirty days after request therefor by one-third of the members of the Council.

3. The Central Committee of the Council shall consist of the representatives of China, the Union of Soviet Socialist Republics, the United Kingdom, and the United States of America, with the Director General presiding, without vote. Between sessions of the Council it shall when necessary make policy decisions of an emergency nature. All such decisions shall be recorded in the minutes of the Central Committee which shall be communicated promptly to each member government. Such decisions shall be open to reconsideration by the Council at any regular session or at any special session called in accordance with Article 3, paragraph 2. The Central Committee shall invite the participation of the representative of any member government at those of its meetings at which action of special interest to such government is discussed. It shall invite the participation of the representative serving as Chairman of the Committee on Supplies of the Council at those of its meetings at which policies affecting the provision of supplies are discussed.

4. The Committee on Supplies of the Council shall consist of the members of the Council, or their alternates, representing those member governments likely to be principal suppliers of materials for relief and rehabilitation. The members shall be appointed by the Council, and the Council may authorize the Central Committee to make emergency appointments between sessions of the Council, such appointments to continue until the next session of the Council. The Committee on Sup-

plies shall consider, formulate and recommend to the Council and the Central Committee policies designed to assure the provision of required supplies. The Central Committee shall from time to time meet with the Committee on Supplies to review policy matters affecting supplies.

5. The Committee of the Council for Europe shall consist of all the members of the Council, or their alternates, representing member governments of territories within the European area and such other members of the Council representing other governments directly concerned with the problems of relief and rehabilitation in the European area as shall be appointed by the Council; the Council may authorize the Central Committee to make these appointments in cases of emergency between sessions of the Council, such appointments to continue until the next session of the Council. The Committee of the Council for the Far East shall consist of all the members of the Council, or their alternates, representing member governments of territories within the Far Eastern area and such other members of the Council representing other governments directly concerned with the problems of relief and rehabilitation in the Far Eastern area as shall be appointed by the Council; the Council may authorize the Central Committee to make these appointments in cases of emergency between sessions of the Council, such appointments to continue until the next session of the Council. The regional committees shall normally meet within their respective areas. They shall consider and recommend to the Council and the Central Committee policies with respect to relief and rehabilitation within their respective areas. The Committee of the Council for Europe shall replace the Inter-Allied Committee on European post-war relief established in London on September

24, 1941 and the records of the latter shall be made available to the Committee for Europe.

6. The Council shall establish such other standing regional committees as it shall consider desirable, the functions of such committees and the method of appointing their members being identical to that provided in Article 3, paragraph 5 with respect to the Committees of the Council for Europe and for the Far East. The Council shall also establish such other standing committees as it considers desirable to advise it, and, in intervals between sessions of the Council, to advise the Central Committee. For such standing technical committees as may be established, in respect of particular problems such as nutrition, health, agriculture, transport, repatriation, and finance, the members may be members of the Council or alternates nominated by them because of special competence in their respective fields of work. The members shall be appointed by the Council, and the Council may authorize the Central Committee to make emergency appointments between sessions of the Council, such appointments to continue until the next session of the Council. Should a regional committee so desire, subcommittees of the standing technical committees shall be established by the technical committees in consultation with the regional committees, to advise the regional committees.

7. The travel and other expenses of members of the Council and of members of its committees shall be borne by the governments which they represent.

8. All reports and recommendations of committees of the Council shall be transmitted to the Director General for distribution to the Council and the Central Committee by the secretariat of the Council established under the provisions of Article 4, paragraph 4.

ARTICLE 4.—*The Director General*

1. The executive authority of the United Nations Relief and Rehabilitation Administration shall be in the Director General, who shall be appointed by the Council on the nomination by unanimous vote of the Central Committee. The Director General may be removed by the Council on recommendation by unanimous vote of the Central Committee.

2. The Director General shall have full power and authority for carrying out relief operations contemplated by Article 1, paragraph 2 (a), within the limits of available resources and the broad policies determined by the Council or its Central Committee. Immediately upon taking office he shall in conjunction with the military and other appropriate authorities of the United Nations prepare plans for the emergency relief of the civilian population in any area occupied by the armed forces of any of the United Nations, arrange for the procurement and assembly of the necessary supplies and create or select the emergency organization required for this purpose. In arranging for the procurement, transportation, and distribution of supplies and services, he and his representatives shall consult and collaborate with the appropriate authorities of the United Nations and shall, wherever practicable, use the facilities made available by such authorities. Foreign voluntary relief agencies may not engage in activity in any area receiving relief from the Administration without the consent and unless subject to the regulation of the Director General. The powers and duties of the Director General are subject to the limitations of Article 7.

3. The Director General shall also be responsible for the organization and direction of the functions contemplated by Article 1, paragraphs 2 (b) and 2 (c).

4. The Director General shall appoint such Deputy Directors General, officers, expert personnel, and staff at his headquarters and elsewhere, including field missions, as he shall find necessary, and he may delegate to them such of his powers as he may deem appropriate. The Director General, or upon his authorization the Deputy Directors General, shall supply such secretariat and other staff and facilities as shall be required by the Council and its committees, including the regional committees and subcommittees. Such Deputy Directors General as shall be assigned special functions within a region shall attend meetings of the regional standing committee whenever possible and shall keep it advised on the progress of the relief and rehabilitation program within the region.

5. The Director General shall make periodic reports to the Central Committee and to the Council covering the progress of the Administration's activities. The reports shall be made public except for such portions as the Central Committee may consider it necessary, in the interest of the United Nations, to keep confidential; if a report affects the interests of a member government in such a way as to render it questionable whether it should be published, such government shall have an opportunity of expressing its views on the question of publication. The Director General shall also arrange to have prepared periodic reports covering the activities of the Administration within each region and he shall transmit such reports with his comments thereon to the Council, the Central Committee and the respective regional committees.

ARTICLE 5.—*Supplies and Resources*

1. In so far as its appropriate constitutional bodies shall authorize, each member government will contribute to the support of the Admin-

istration in order to accomplish the purposes of Article 1, paragraph 2 (a). The amount and character of the contributions of each member government under this provision will be determined from time to time by its appropriate constitutional bodies. All such contributions received by the Administration shall be accounted for.

2. The supplies and resources made available by the member governments shall be kept in review in relation to prospective requirements by the Director General, who shall initiate action with the member governments with a view to assuring such additional supplies and resources as may be required.

3. All purchases by any of the member governments, to be made outside their own territories during the war for relief or rehabilitation purposes, shall be made only after consultation with the Director General, and shall, so far as practicable, be carried out through the appropriate United Nations agency.

ARTICLE 6.—*Administrative Expenses*

The Director General shall submit to the Council an annual budget, and from time to time such supplementary budgets as may be required, covering the necessary administrative expenses of the Administration. Upon approval of a budget by the Council the total amount approved shall be allocated to the member governments in proportions to be determined by the Council. Each member government undertakes, subject to the requirements of its constitutional procedure, to contribute to the Administration promptly its share of the administrative expenses so determined.

ARTICLE 7

Notwithstanding any other provision herein contained, while hostilities or other military necessities exist in any area, the Administration

and its Director General shall not undertake activities therein without the consent of the military command of that area, and unless subject to such control as the command may find necessary. The determination that such hostilities or military necessities exist in any area shall be made by its military commander.

ARTICLE 8.—*Amendment*

The provisions of this Agreement may be amended as follows:

a. Amendments involving new obligations for member governments shall require the approval of the Council by a two-thirds vote and shall take effect for each member government on acceptance by it;

b. Amendments involving modification of Article 3 or Article 4 shall take effect on adoption by the Council by a two-thirds vote, including the votes of all the members of the Central Committee;

c. Other amendments shall take effect on adoption by the Council by a two-thirds vote.

ARTICLE 9.—*Entry into Force*

This Agreement shall enter into force with respect to each signatory on the date when the Agreement is signed by that signatory, unless otherwise specified by such signatory.

ARTICLE 10.—*Withdrawal*

Any member government may give notice of withdrawal from the Administration at any time after the expiration of six months from the entry into force of the Agreement for that government. Such notice shall take effect twelve months after the date of its communication to the Director General subject to the member government having met by that time all financial, supply or other material obligations accepted or undertaken by it.

IN WITNESS WHEREOF, this Agreement is signed by the following representatives, duly authorized for that

purpose by their respective Governments or Authorities.

Done in Washington this ninth day of November, one thousand nine hundred forty-three, in the English language, the original to be deposited in the archives of the De-

partment of State of the United States of America, and certified copies thereof to be furnished by the Government of the United States of America to each of the Governments and Authorities on whose behalf this Agreement is signed.

[Signed:] For **Australia**: OWEN DIXON, Minister for Australia; for **Belgium**: P. H. SPAAK; for **Bolivia**: LUIS GUACHALLA; for the **United States of Brazil**: E. PENTEADO; for **Canada**: LEIGHTON MCCARTHY; for **Chile**: (Este Convenio regirá respecto a Chile, de acuerdo con los preceptos de su Carta Fundamental, una vez que haya sido aprobado por el Congreso Nacional y ratificado por los organismos constitucionales correspondientes de la República.) RODOLFO MICHELS; for **China**: T. F. TSIANG; for **Colombia**: (El Plenipotenciario de Colombia firma con la salvedad de la ulterior aprobación del Congreso Colombiano.) A. VARGAS; for **Costa Rica**: CARLOS M. ESCALANTE; for **Cuba**: (Este Convenio, previa la aprobación del Senado de la República, será ratificado por el Ejecutivo.) A. F. CONCHESO; for **Czechoslovakia**: JAN MASARYK; for the **Dominican Republic**: JULIO VEGA BATLLE; for **Ecuador**: (Sujeto a ratificación por el Congreso de la República del Ecuador.) S. E. DURÁN BALLÉN; for **Egypt**: M. HASSAN; for **El Salvador**: HÉCTOR DAVID CASTRO; for **Ethiopia**: (Subject to the ratification of the Imperial Ethiopian Government.) EPHREM T. MEDHEN; for the **French Committee of National Liberation**: JEAN MONNET; for **Greece**: K. VARVARESSOS; for **Guatemala**: (Pending the required approval by the National Assembly of Guatemala, the immediate application of this Agreement shall be considered provisional with regard to the Government of Guatemala.) ADRIAN RECINOS; for **Haiti**: A. LIAUTAUD; for **Honduras**: JULIÁN R. CÁCERES; for **Iceland**: MAGNUS SIGURDSSON; for **India**: (This Agreement is signed subject to a reservation under Article IX that it shall enter into force with respect to the Government of India as soon as it has been approved by the Indian Legislature.) G. S. BAJPAI; for **Iran**: (This Agreement shall enter into force immediately after its approval by the Iranian Chamber of Deputies.) M. SHAYESTEH; for **Iraq**: (Subject to ratification by the Iraqi Parliament.) ALI JAWDAT; for **Liberia**: WALTER F. WALKER; for **Luxembourg**: PIERRE DUPONG; for the **United Mexican States**: (Sujeto a ratificación por el Senado de los Estados Unidos Mexicanos.) F. CASTILLO NÁJERA; for the **Netherlands**: P. KERSTENS; for **New Zealand**: GEOFFREY S. COX; for **Nicaragua**: *Ad referendum*, GUILLERMO SEVILLA SACASA; for **Norway**: W. MUNTHE DE MORGENSTIERNE; for **Panama**: ENRIQUE A. JIMÉNEZ; for **Paraguay**: CELSO R. VELÁZQUEZ; for **Peru**: (Bajo reserva de su ratificación constitucional.) M. DE FREYRE Y SANTANDER; for the **Philippine Commonwealth**: S. OSMENA; for **Poland**: JAN KWAPINSKI; for the **Union of South Africa**: RALPH W. CLOSE; for the **Union of Soviet Socialist Republics**: A. GROMYKO; for the **United Kingdom of Great Britain and Northern Ireland**: HALIFAX; for the **United States of America**: FRANKLIN D. ROOSEVELT; for **Uruguay**: (Con la reserva de que no podrá entrar en vigor con respecto al Uruguay hasta tanto se alcance la aprobación legislativa.) J. C. BLANCO; for **Venezuela**: (El Plenipotenciario de Venezuela firma el presente Convenio en la inteligencia de que queda sujeto a la ratificación de los Poderes Públicos de la Nación, conforme al procedimiento constitucional venezolano.) DIÓGENES ESCALANTE; for **Yugoslavia**: CONSTANTIN A. FOTITCH.

No. 630

CONVENTION on the Regulation of Inter-American Automotive Traffic. Opened for signature at Washington, December 15, 1943.

CONVENCION sobre la reglamentación del tráfico automotor interamericano. Abierta a la firma en Washington, 15 de diciembre de 1943.

EDITOR'S NOTE. This Convention replaces a convention on the regulation of automotive traffic signed at Washington on October 6, 1930 (No. 271, *ante*), which had been ratified by five states. A draft of this Convention was prepared by the Fourth Pan American Highway Conference and the Second Inter-American Travel Congress, meeting at Mexico City in 1941. A convention on the international circulation of motor vehicles was signed at Paris, October 11, 1909. 102 *Br. and For. St. Papers*, p. 64; 3 Martens, *N.R.G.* (3d ser.), p. 834. It was superseded by the convention opened for signature at Paris, April 24, 1926 (No. 157, *ante*); a convention on road traffic was opened for signature on the same date (No. 158, *ante*). An agreement concerning triptychs, a convention on the unification of road signals, and a convention on the taxation of foreign motor vehicles were opened for signature at Geneva, March 28-30, 1931 (No. 287-289, *ante*). A convention on a Pan American tourist passport and a transit passport for vehicles was signed at Buenos Aires, June 19, 1935 (No. 416, *ante*).

RATIFICATIONS. On January 1, 1949, ratifications of this Convention had been deposited with the Pan American Union by Argentina, Brazil, Chile (with reservation), Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Paraguay, Peru, and the United States of America (with reservation). It had also been ratified by Costa Rica.

BIBLIOGRAPHY. The text of this Convention is also published in *U.S. Treaties and Other International Acts Series*, No. 1567; the Spanish version is also published in 65 Dominican Republic, *Gaceta oficial* (1944), No. 6109, pp. 3-14; 40 Guatemala, *Diario de Centro América* (1944), No. 95, pp. 785-88; Guatemala, *Memoria de las labores del Poder Ejecutivo en el ramo de relaciones exteriores*, 1943, pp. 205-13; República Dominicana, *Memoria de la Secretaría de Estado de Relaciones Exteriores*, 1943, pp. 279-88; the Portuguese text is published in Brazil, *Coleção das Leis*, 1945, II, p. 598.

Anon., "Second Inter-American Travel Congress," 76 *Bulletin of the Pan American Union* (1942), pp. 162-65; E. W. James, "More Highways for the Americas—the Fourth Pan American Highway Congress," 75 *idem* (1941), pp. 677-81; ———, "A Quarter Century of Road Building in the Americas," 79 *idem* (1945), pp. 609-13; H. H. Kelly, "American Interest in International Motor Traffic," 17 *U.S. Department of State Bulletin* (1947), pp. 1063-68.

Entered into force July 25, 1944.

Text supplied by the Pan American Union.

The Governments of the American Republics, desirous of establishing uniform rules among themselves to control and regulate international automotive traffic on their highways, and to facilitate the movement of motor vehicles among such States,

Los Gobiernos de las Repúblicas Americanas, deseosos de establecer entre sí reglas uniformes para el control y la reglamentación del tráfico automotor internacional en sus carreteras, y para facilitar el movimiento de vehículos entre dichos Estados,

Have decided to conclude the present Convention in order to effectuate the foregoing purposes, and have agreed upon the following articles:

Article 1. It is recognized that each State has exclusive jurisdiction over the use of its own highways, but agrees to their international use as specified in this Convention.

Art. 2. Under the terms of the present Convention, a motor vehicle shall be defined as any self-propelled vehicle circulating upon a public highway without the need of rails and used for the transport of persons or merchandise.

A highway shall be defined as any public way maintained for and open to the use of the public for purposes of vehicular travel.

An operator shall be defined as any person who drives or is in actual physical control of a motor vehicle upon a highway.

Art. 3. The operator of a motor vehicle circulating in any State which is a party to this Convention is subject to the traffic laws and regulations in force in that State or subdivision thereof.

A copy of such laws and regulations may be handed to the operator at the time of entering each State, by the customs authorities who are clearing the vehicle for entry, or by any authorized agency.

Art. 4. The Contracting States shall not allow customs measures to be put into effect which will hinder international travel.

Simplified customs and other regulatory measures which have been or may be put into effect by any contiguous States parties to this Convention, for the facilitation of international automotive traffic, shall be considered to be in furtherance of this Convention and shall be encouraged.

Han decidido celebrar una Convención con tales propósitos, habiendo convenido en los siguientes artículos:

Artículo 1. Se reconoce que cada Estado tiene jurisdicción exclusiva sobre el uso de sus carreteras, pero conviene en el uso internacional de las mismas tal como se especifica en la presente Convención.

Art. 2. De acuerdo con la presente Convención, se entenderá por vehículo automotor todo vehículo impulsado por sí mismo que circule en la vía pública sin necesidad de rieles, y que se use para el transporte de personas o mercaderías.

Por carreteras se entenderá cualquier vía pública conservada y abierta al público para el tránsito de vehículos.

Por conductor se entenderá cualquier persona que guíe o tenga efectivamente el control físico de un vehículo automotor en una carretera.

Art. 3. El conductor de un vehículo automotor que circule en cualquier Estado parte en esta Convención, está sujeto a las leyes y reglamentos de tráfico vigentes en dicho Estado o subdivisión política del mismo.

Copia de dichas leyes o reglamentos podrá ser suministrada al conductor, al entrar en cada Estado, ya por las autoridades aduaneras que tramitan la entrada del vehículo, o por cualquier agencia autorizada.

Art. 4. Los Estados Contratantes no permitirán que se pongan en vigor medidas aduaneras que interpongan obstáculo al tránsito internacional.

Se considerará en apoyo de esta Convención, y se fomentará, toda simplificación de los reglamentos aduaneros y demás medidas regulatorias que han sido o sean puestas en vigor por cualquiera de los Estados limítrofes, partes en esta Convención, para facilitar el tráfico internacional de vehículos automotores.

Art. 5. Before admission to international traffic, every vehicle shall be registered by the State of origin in the manner prescribed by its laws, or by any subdivision thereof having legal authority to register vehicles.

Art. 6. Every motor vehicle operator before admission to international traffic shall have such driving license as may be required by the laws of his State or such as may be issued by any political subdivision thereof having legal authority to issue driving licenses. In the event that no such driving license is required by his State or any political subdivision thereof, a special international driving license such as is specified in Article 13 shall be valid. No operator shall be admitted to international travel who is less than 18 years of age.

Art. 7. Evidence of compliance with the conditions of this Convention shall entitle motor vehicles and motor vehicle operators to circulate on the highways of any of the Contracting States.

Art. 8. Each State or its political subdivisions shall maintain central bureaus of registration with facilities for the exchange of information with other States as to registration of vehicles and operators.

Art. 9. In addition to the registration plate or plates of the State of origin or of its legally empowered political subdivisions each vehicle shall display an international registration marker indicating the country of origin. This marker shall be in the form of an oval plate not less than 3 inches (8 cm.) wide by 10 inches (26 cm.) long bearing capital Latin letters painted black on a white background.

The distinctive names or letters indicating the several countries shall be the following:

Art. 5. Antes de ser admitido al tráfico internacional, todo vehículo deberá ser inscrito por el Estado de origen en la forma que prescriban sus leyes, o por cualquier subdivisión del mismo que tenga autoridad legítima para hacerlo.

Art. 6. Antes de ser admitido al tráfico internacional, todo conductor de vehículo automotor deberá tener el permiso para conducir que requieran las leyes de su Estado o que sea expedido por cualquiera de las subdivisiones políticas del mismo autorizadas para ello. En caso de no ser necesario tal permiso en su Estado, o en las subdivisiones políticas del mismo, será válido un permiso internacional especial para conducir como el que se especifica en el Artículo 13. Ningún conductor menor de 18 años de edad será admitido al tránsito internacional.

Art. 7. Prueba de haber cumplido con las disposiciones de esta Convención dará a los vehículos automotores y a los conductores de los mismos el derecho de circular por las carreteras de cualquiera de los Estados Contratantes.

Art. 8. Cada Estado o subdivisión política del mismo mantendrá oficinas centrales de registro con facilidades para el intercambio de informaciones, con otros países, sobre la inscripción de vehículos y conductores.

Art. 9. Además de la placa o placas de registro del Estado de origen o de las subdivisiones políticas del mismo, cada vehículo deberá llevar un distintivo de registro internacional que indique el país de origen. Este distintivo consistirá de una placa ovalada no menor de 8 centímetros (3 pulgadas) de ancho por 26 centímetros (10 pulgadas) de largo, con letras latinas mayúsculas negras sobre fondo blanco.

Las letras o nombres distintivos correspondientes a los diversos países serán como sigue:

Argentina	ARGENTINA
Bolivia	BOLIVIA
Brazil	BRASIL
Chile	CHILE
Colombia	COLOMBIA
Costa Rica	COSTA RICA
Cuba	CUBA
Dominican Republic	REP. DOM.
Ecuador	ECUADOR
El Salvador	SALVADOR
Guatemala	GUATEMALA
Haiti	HAITI
Honduras	HONDURAS
Mexico	MEXICO
Nicaragua	NICARAGUA
Panama	PANAMA
Paraguay	PARAGUAY
Peru	PERU
United States of America	U. S. A.
Uruguay	URUGUAY
Venezuela	VENEZUELA

Argentina	ARGENTINA
Bolivia	BOLIVIA
Brasil	BRASIL
Colombia	COLOMBIA
Costa Rica	COSTA RICA
Cuba	CUBA
Chile	CHILE
Ecuador	ECUADOR
El Salvador	SALVADOR
Estados Unidos de América	U. S. A.
Guatemala	GUATEMALA
Haití	HAITI
Honduras	HONDURAS
México	MEXICO
Nicaragua	NICARAGUA
Panamá	PANAMA
Paraguay	PARAGUAY
Perú	PERU
República Dominicana	REP. DOM.
Uruguay	URUGUAY
Venezuela	VENEZUELA

This distinctive plate shall be issued by the State or its authorized representatives.

All registration plates shall be plainly visible.

Motor vehicles bearing the international registration markers provided for by the International Convention for the Circulation of Automobiles, 1909, as amended in 1926, shall be recognized as having complied with the foregoing conditions concerning international registration markers.

For admission to international travel, each motor vehicle shall bear in a readily accessible location the name of the manufacturer of the vehicle, the manufacturer's number of the chassis, and the manufacturer's number of the engine.

Art. 10. Unless otherwise provided by the laws or regulations of the respective States or subdivisions thereof, the size of vehicles and loads shall be limited to the following:

1. No vehicle shall exceed a total outside width, including any load thereon, of 8 feet (2.44 meters).

2. No vehicle with or without load shall exceed a maximum height of 12 feet, 6 inches (3.80 meters).

Esta placa distintiva será expedida por el Estado, o por sus representantes autorizados.

Toda placa de registro deberá estar claramente visible.

Todo vehículo automotor que lleve el distintivo internacional de registro previsto en la Convención Internacional para la Circulación de Automóviles, suscrita en 1909 y modificada en 1926, se considerará que ha cumplido con las condiciones anteriores respecto a distintivos internacionales de registro.

Para ser admitido al tráfico internacional, cada vehículo deberá llevar, en lugar de fácil acceso, el nombre del fabricante del vehículo, el número de fábrica del chasis y el número de fábrica del motor.

Art. 10. Siempre que no se haya dispuesto de otra manera en las leyes o reglamentaciones de los respectivos Estados o de sus subdivisiones políticas, el tamaño de los vehículos y de las cargas tendrán las siguientes limitaciones:

1. Ningún vehículo excederá una anchura exterior total de 2 metros y 44 centímetros (8 pies), inclusive la carga que lleve.

2. Ningún vehículo con o sin carga deberá exceder una altura máxima de 3 metros y 80 centímetros (12 pies, 6 pulgadas).

3. No vehicle shall exceed an overall length of 35 feet (10.70 meters) and no combination of vehicles coupled together shall exceed a total length of 45 feet (13.75 meters).

4. No vehicle shall carry any load extending more than 3 feet (91 centimeters) beyond the front thereof.

5. No passenger vehicle shall carry any load extending beyond the line of the fenders on the left side nor extending more than 6 inches (15.2 centimeters) beyond the line of fenders on the right side thereof; provided however that in States in which the left hand drive is compulsory the provisions of this paragraph referring to the side of loads shall be reversed.

6. Special permits for vehicles or combinations of vehicles exceeding these limits may be issued by the competent authorities of the States.

Art. 11. Unless the laws and regulations of the respective States or political subdivisions thereof provide otherwise, the following requirements as to equipment shall be indispensable for motor vehicles admitted to international traffic:

1. Every motor vehicle shall have brakes adequate to control the movement of and to stop and hold such vehicle. The brakes shall be capable of stopping the vehicle on a dry, smooth, level road within a distance of 30 feet (9 meters) when travelling at a speed of 20 miles (32 kilometers) per hour.

2. Every motor vehicle shall have a suitable horn or other warning device satisfactory to the regulatory authorities.

3. Ningún vehículo excederá una longitud total de 10 metros y 70 centímetros (35 pies) y ningún tren o combinación de vehículos enganchados deberá exceder una longitud total de 13 metros y 75 centímetros (45 pies).

4. Ningún vehículo deberá llevar una carga que se extienda más de 91 centímetros (3 pies) fuera del frente del mismo.

5. Ningún vehículo de pasajeros deberá llevar una carga que se extienda fuera de la línea exterior de los guardabarros del lado izquierdo, ni que se extienda más de 15.2 centímetros (6 pulgadas) fuera de la línea exterior de los guardabarros del lado derecho; disponiéndose, sin embargo, que, en los Estados donde sea obligatorio conservar la izquierda, regirán a la inversa las disposiciones de este párrafo relativas al lado donde deben llevarse las cargas.

6. Las autoridades competentes de los Estados podrán expedir permisos especiales para vehículos o combinaciones de vehículos que excedan los límites que acaban de estipularse.

Art. 11. Siempre que no dispongan otra cosa las leyes y reglamentos de los respectivos Estados o de las subdivisiones políticas de los mismos, serán indispensables en los vehículos automotores admitidos al tráfico internacional los accesorios siguientes:

1. Todo vehículo deberá tener frenos adecuados para controlar el movimiento del vehículo, pararlo y mantenerlo inmóvil. Los frenos serán capaces de parar el vehículo dentro de una distancia de 9 metros (30 pies), moviéndose a una velocidad de 32 kilómetros (20 millas) por hora, en un camino a nivel, seco y liso.

2. Todo vehículo deberá tener una bocina u otro aparato destinado a llamar la atención, que estimen satisfactorio las autoridades competentes.

3. Every motor vehicle other than a motorcycle shall be equipped with two head lamps, at the front of and on opposite sides of the vehicle, which shall at night, under normal atmospheric conditions and on a level road, produce light sufficient to render clearly discernible a person not less than 350 feet (107 meters) ahead and shall be capable of operation so as not to project a glaring or dazzling light. Every motorcycle shall have at least one head lamp.

4. Every motor vehicle, and every trailer or semi-trailer which is being drawn at the end of a train of vehicles, shall carry at the rear a lamp which exhibits a red light plainly visible at night under normal atmospheric conditions from a distance of 500 feet (152 meters) to the rear of such vehicle. The registration plate carried on the rear of such vehicle shall under like conditions be so illuminated by a white light as to be read from a distance of 50 feet (15 meters) to the rear of the vehicle.

5. Every motor vehicle shall have a muffler in good working order and in constant operation to prevent excessive or unusual noise.

6. Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the operator's position shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet (70 meters) to the rear of such vehicle.

7. Every motor vehicle other than a motorcycle shall have a windshield wiper in good working order.

Art. 12. A special international automobile certificate, in addition to the registration required by Article 5, may be required for each motor vehicle for admission to and circulation in any individual State

3. Todo vehículo automotor, a excepción de las motocicletas, deberá tener dos faros, uno a cada lado de la parte delantera del vehículo, los cuales deberán proyectar de noche, en condiciones atmosféricas normales y en camino nivel, un haz suficiente para distinguir claramente a una persona hasta una distancia no menor de 107 metros (350 pies) y que puedan funcionar sin producir una luz que deslumbre o encandile. Toda motocicleta deberá tener por lo menos un faro delantero.

4. Todo vehículo automotor, y todo remolque o semirremolque que ocupe el último lugar en un tren de vehículos, deberá llevar en la parte trasera una lámpara que proyecte una luz roja, claramente visible de noche en condiciones atmosféricas normales, desde una distancia de 152 metros (500 pies). La placa de registro en la parte trasera de dicho vehículo deberá estar iluminada por una luz blanca de modo que, en iguales condiciones, pueda leerse desde una distancia de 15 metros (50 pies).

5. Todo vehículo automotor deberá tener un silenciador en buen estado de funcionamiento y en uso constante para evitar ruido excesivo o anormal.

6. Todo vehículo automotor construido o cargado de manera que obstruya la vista del conductor hacia atrás, deberá llevar un espejo colocado de modo que refleje el camino a la vista del conductor hasta una distancia, hacia atrás, no menor de 70 metros (200 pies).

7. Todo vehículo automotor, a excepción de las motocicletas, deberá tener un limpiaparabrisas en buen estado de funcionamiento.

Art. 12. Podrá exigirse para cada vehículo automotor que se admita al tráfico de un Estado, parte en esta Convención, un certificado internacional especial para automóviles, además de la matrícula prevista en

party to this Convention, if the State so elects. Provision for the issuance of such certificate shall be made by each Contracting State, and such document shall be issued by the State, or by any authorized political subdivision thereof, or by an association duly empowered by such authorities, or by an authorized representative of either the Contracting State or of one of its political subdivisions, having legal authority to issue such certificates. The validity of such special international automobile certificate shall be recognized by all officials having jurisdiction over matters involving legal ownership of the vehicle. The certificate shall be in the form, of the size, and contain the information prescribed in Annex A to this Convention, and shall be valid for one year from date of issuance.

The international automobile certificate issued in accordance with the International Convention of 1926 on Automobile Circulation shall be deemed to meet the requirements of this Article.

Art. 13. A special international driving license may be required for each operator admitted to circulation in any individual State party to this Convention, if the State so elects. Such a special license shall be required for each operator who does not possess a domestic driving license as required in Article 6. Provision for the issuance of such international driving license shall be made by each Contracting State, and such document shall be issued by the State, or by any authorized political subdivision thereof, or by an association duly empowered by such authorities, or by an authorized representative of either the Contracting State or one of its political subdivisions having legal authority to issue driving licenses. The validity of such special international driving license shall be recognized by

el Artículo 5, si dicho Estado así lo desea. Cada Estado Contratante dispondrá lo necesario para la expedición de tal certificado, el que será expedido por dicho Estado, por cualquiera de sus subdivisiones políticas debidamente autorizadas; por una asociación debidamente habilitada por dichas autoridades, o por un representante autorizado del Estado Contratante o de una de sus subdivisiones políticas que tenga autoridad legal para expedir tales certificados. La validez de tal certificado internacional especial para automóviles será reconocida por todos los funcionarios que tengan jurisdicción sobre asuntos relacionados con la propiedad legítima del vehículo. El certificado tendrá la forma, el tamaño y la información prescritas en el Anexo "A" de esta Convención, y será válido por un año a partir de la fecha de emisión.

Se estimará que el Certificado Internacional para Automóviles expedido de acuerdo con la Convención Internacional de 1926, para la circulación de automóviles, satisface los requisitos de este artículo.

Art. 13. Podrá exigirse un permiso especial internacional para conducir a cada conductor que se admita al tráfico en cualquier Estado, parte en esta Convención, si éste así lo desea. En todo caso, se exigirá dicho permiso especial al conductor que no posea un permiso para conducir en su propio país, como se establece en el Artículo 6. Cada Estado Contratante dispondrá lo necesario para la expedición de tal permiso internacional para conducir, el que será expedido por dicho Estado; por cualquiera de sus subdivisiones políticas debidamente autorizadas; por una asociación debidamente habilitada por dichas autoridades, o por un representante autorizado del Estado Contratante o de una de sus subdivisiones políticas que tenga autoridad legal para expedir permisos para conducir. La

all officials having regulatory powers over automotive traffic. The license shall be in the form, of the size, and contain the information prescribed in Annex B to this Convention, and shall be valid for one year from date of issuance.

The international driving license issued in accordance with the International Convention of 1926 shall be deemed to meet the requirements of this Article.

Art. 14. A general bond guaranteeing payment of customs charges on any motor vehicle to be admitted to international traffic, due and payable within the country in which such charges may be incurred, may be required by any State party to this Convention.

The international customs pass (carnet de passage en douane) of the Association Internationale des Automobile Clubs Reconnus or of the Alliance Internationale de Tourisme shall be deemed to satisfy the requirements of this Article for any Contracting State in which a bond is required.

No bond shall be required in any Contracting State if the stay of the foreign vehicle therein does not exceed the period allowed for free stay.

Art. 15. Each State may establish such requirements as it may deem necessary to record the passage into and out of its territory, of vehicles and operators admitted to international traffic. If such records are maintained, they shall include a notation that the vehicle has complied with the provisions of Articles 10 and 11.

Art. 16. The hours and routes dedicated to the crossing of frontiers by properly registered vehicles shall

validez de dicho permiso especial para conducir será reconocida por todos los funcionarios facultados para reglamentar el tráfico automotor. El permiso tendrá la forma, el tamaño y la información prescritas en el Anexo "B" de esta Convención, y será válido por un año a partir de la fecha en que sea expedido.

Se estimará que el permiso internacional de conducir expedido según la Convención Internacional de 1926 satisface los requisitos de este Artículo.

Art. 14. Cualquier Estado, parte en esta Convención, podrá exigir el depósito de una fianza que garantice el pago de derechos aduaneros sobre cualquier vehículo admitido a tráfico internacional, y pagadera en el Estado donde se incurran tales derechos.

Se estimará que la Libreta Internacional de Paso por Aduanas (Carnet de Passage en Douane) de la Asociación Internacional de Automóvil Clubs Reconocidos (Association Internationale des Automobile Clubs Reconnus) o de la Alianza Internacional de Turismo (Alliance Internationale de Tourisme) satisface los requisitos de este artículo por lo que respecta a cualquier Estado Contratante en el cual se exija depósito de fianza.

En ninguno de los Estados Contratantes se exigirá depósito de fianza si la estadía del vehículo extranjero no excede del plazo libre que le está permitido.

Art. 15. Cada Estado podrá establecer las formalidades que estime necesarias para registrar el paso de vehículos y conductores admitidos al tráfico internacional, al entrar al salir de su territorio. Tales registros, si se llevan, deberán incluir anotaciones al efecto de que el vehículo ha cumplido con las disposiciones de los Artículos 10 y 11.

Art. 16. Las horas y rutas habilitadas para el cruce de las fronteras por vehículos debidamente inscritos

be fixed by common consent of the adjacent States and their decisions communicated to the corresponding custom authorities.

Art. 17. Infractions of this Convention shall be punished in conformity with the laws and regulations of the country in which committed.

Infractions which shall have incurred judicial penalty shall be communicated by the judge or magistrate to the proper authorities, who in turn shall communicate them to the authorities of the State or its political subdivision in which the vehicle and its owner or operator were originally registered.

Art. 18. Any vehicle or operator admitted to international traffic under the provisions of the International Convention for the Circulation of Automobiles, 1909, as amended in 1926, and holding the documents required thereunder, will be recognized as fulfilling the requirements of the present Convention.

Art. 19. The original of the present Convention in Spanish, English, Portuguese, and French shall be deposited with the Pan American Union and opened for signature by the American republics. The Convention shall also be opened for the adherence and accession of American States which are not members of the Pan American Union. The Pan American Union shall transmit authentic certified copies to the Governments for the purpose of ratification.

Art. 20. The present Convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The instruments of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory Governments of said

se fijarán de común acuerdo entre los Estados limítrofes, comunicándose sus decisiones a las autoridades aduaneras correspondientes.

Art. 17. Las infracciones a la presente Convención serán castigadas de conformidad con las leyes y reglamentos del Estado en el cual se cometan.

Las infracciones que sean motivo de multa legal serán comunicadas por el juez o magistrado a las autoridades correspondientes, las que, a su vez, darán cuenta a las autoridades del país, o de la subdivisión política correspondiente del mismo, en el cual el vehículo y su dueño o conductor se hubieren inscrito originalmente.

Art. 18. Todo vehículo o conductor admitido al tráfico internacional de acuerdo con los términos de la Convención Internacional para la Circulación de Automóviles, suscrita en 1909 y enmendada en 1926, y que exhiba los correspondientes documentos exigidos en la misma, se considerará que ha cumplido con las disposiciones de la presente Convención.

Art. 19. El original de la presente Convención en español, inglés, portugués y francés será depositado en la Unión Panamericana y abierto a la firma de las Repúblicas Americanas. La Convención quedará abierta, además, a la adhesión y accesoión de los Estados Americanos que no sean miembros de la Unión Panamericana. La Unión Panamericana enviará copias certificadas auténticas a los gobiernos para los efectos de la ratificación.

Art. 20. La presente Convención será ratificada por las Altas Partes Contratantes de acuerdo con sus procedimientos constitucionales respectivos. Los instrumentos de ratificación serán depositados en los archivos de la Unión Panamericana en Washington, la cual notificará el depósito a los gobiernos signatarios.

deposit. Such notification shall be considered as an exchange of ratifications.

Art. 21. The present Convention shall come into force between the High Contracting Parties in the order in which they deposit their respective ratifications.

Art. 22. The present Convention shall remain in effect indefinitely, but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory Governments. After the expiration of this period the Convention shall cease in its effects as regards the party which denounces it, but shall remain in effect for the remaining High Contracting Parties.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, having deposited their full powers found to be in due and proper form, sign this Convention in Spanish, English, Portuguese, and French, at the Pan American Union, Washington, D. C., on behalf of their respective Governments and affix thereto their seals on the dates appearing opposite their signatures.

Se considerará tal notificación como un cambio de ratificaciones.

Art. 21. La presente Convención entrará en vigor, con respecto a las Altas Partes Contratantes, en el orden en que depositen sus respectivas ratificaciones.

Art. 22. La presente Convención permanecerá en vigor indefinidamente, pero podrá ser denunciada previo aviso de un año que se dará a la Unión Panamericana, la que comunicará la denuncia a los demás gobiernos signatarios. Terminado este plazo, la Convención dejará de tener efecto en lo que respecta a la Parte denunciante, pero continuará en vigor para las demás Altas Partes Contratantes.

EN FE DE LO CUAL, los infrascritos Plenipotenciarios, después de haber depositado sus plenos poderes, que se han encontrado en buena y debida forma, firman y sellan esta Convención en la Unión Panamericana, Washington, D. C., en nombre de sus respectivos Gobiernos, en las fechas indicadas junto a sus firmas.

[Annexes omitted]

[Firmada:] Por **Bolivia**: LUIS F. GUACHALLA, 15 de diciembre de 1943; pelo **Brasil**: FERNANDO LOBO, 15 de dezembro de 1943; por **Cuba**: AURELIO F. CONCHESO, 15 de diciembre de 1943; por **Ecuador**: C. E. ALFARO, 15 de diciembre de 1943; por **Guatemala**: ADRIÁN RECINOS, 15 de diciembre de 1943; pour **Haïti**: A. LIAUTAUD, 15 Décembre 1943; por **Nicaragua**: GUILLERMO SEVILLA S., 15 de diciembre de 1943; por **Perú**: M. DE FREYRE Y S., 15 de diciembre de 1943; por la **República Dominicana**: (El Plenipotenciario de la República Dominicana firma la Convención con la siguiente reserva: Que la disposición del Art. 14 no implica que el término de un año que indica el Art. 12 se refiere al tiempo durante el cual un vehículo puede transitar en un Estado Contratante, sin haber puesto fianza o sin pagar los derechos que sus leyes exijan, sino al término de caducidad del certificado de admisión que el Estado puede no exigir. Asimismo, que esta Convención no afecta los tratados, convenciones u otros acuerdos internacionales que la República Dominicana haya consentido o consienta ni a sus leyes de inmigración.) A. COPELLO, 15 de diciembre de 1943; for the **United States of America**: (Signed subject to the understanding and reservation that nothing in Article 15 shall be construed to require the use of personnel and facilities of the United States of America for the purpose of determining compliance

with the provisions of Articles 10 and 11 by vehicles whenever, in the opinion of the competent authorities of the United States of America, there would result an impairment of essential services performed by such personnel and facilities or an undue hindrance to the movement of automotive traffic into and from the territory of the United States of America.) CORDELL HULL, December 31, 1943; por **El Salvador**: HÉCTOR DAVID CASTRO, 6 de enero de 1944; por **Costa Rica**: CARLOS M. ESCALANTE, 20 de enero de 1944; por **Honduras**: JULIÁN R. CÁCERES, 24 de abril de 1944; por **Panamá**: E. A. JIMÉNEZ, 13 de julio de 1944; por **Chile**: (El Embajador de Chile firma la Convención con las siguientes reservas: 1a. — La presente adhesión queda sujeta a posterior ratificación previa aprobación del Congreso Nacional Chileno, de conformidad con lo dispuesto en el Artículo 20 de la Convención. 2. — Los Artículos 14 y 16 de la presente Convención obligarán a Chile en todo aquello que no sea contrario a sus leyes vigentes. 3. — El Gobierno de Chile se reserva el derecho de suscribir Convenios de tránsito con países americanos sobre las bases que crea necesarias.) MARCIAL MORA M., 27 de octubre de 1944.

No. 631

CONVENTION on the Inter-American Institute of Agricultural Sciences. Opened for signature at Washington, January 15, 1944.

CONVENCION sobre el Instituto Interamericano de Ciencias Agrícolas. Abierta a la firma en Wáshington, 15 de enero de 1944.

EDITOR'S NOTE. This Convention accords international recognition to the Inter-American Institute of Agricultural Sciences incorporated in the United States under the laws of the District of Columbia on June 18, 1942. Annual reports have been published by the Institute since 1942. The International Institute of Agriculture created by the Rome convention of June 5, 1905 (amended by a protocol of April 21, 1926, No. 156, *ante*), was dissolved in accordance with a protocol of March 30, 1946 (*U.S. Treaties and Other International Acts Series*, No. 1719), its assets being transferred to the Food and Agriculture Organization of the United Nations (see No. 664, *post*).

RATIFICATIONS. On January 1, 1949, ratifications of this Convention had been deposited with the Pan American Union by Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, the United States of America, and Venezuela (with reservations).

BIBLIOGRAPHY. The text of this agreement is also published in *U.S. Treaty Series*, No. 987. See also 40 Guatemala, *Diario de Centro América* (1944), Part II, No. 95, p. 788; *Libro amarillo de los Estados Unidos de Venezuela*, 1942, pp. 211-19; República Dominicana, *Memoria de relaciones exteriores*, 1944, pp. 226-36.

Anon., "The Third Inter-American Conference on Agriculture," 52 *Int. Labour Rev.* (1945), pp. 494-503; E. N. Bressman, "Inauguration of the Inter-American Institute of Agricultural Sciences," 77 *Bulletin of the Pan American Union* (1943), pp. 326-32; E. S. Furniss, Jr., "Inter-American Institute of Agricultural Sciences," 11 *U.S. Department of State Bulletin* (1944), pp. 386-89; E. S. Hediger, "Agricultural Cooperation in the Americas," 19 *Foreign Policy Reports* (1943), pp. 158-67; A. Linares Fleytas, "El Instituto Interamericano de Ciencias Agrícolas," 48 *Revista de derecho internacional* (1945), pp. 103-12; W. Popenoe, "The Development of Inter-American Cooperation in Agriculture," 80

Bulletin of the Pan American Union (1946), pp. 361-74; U.S. Department of State, *International Agencies in Which the United States Participates* (Washington, 1946; Publ. 2699), pp. 31-35.

Entered into force November 30, 1944.

Text supplied by the Pan American Union.

The Governments of the American Republics, desiring to promote the advancement of the agricultural sciences and related arts and sciences; and wishing to give practical effect to the resolution approved by the Eighth American Scientific Congress held in Washington in 1940, recommending the establishment of an Inter-American Institute of Tropical Agriculture, have agreed to conclude a Convention in order to recognize the permanent status of the Inter-American Institute of Agricultural Sciences, hereinafter referred to as "the Institute," on the basis of the following Articles:

Article 1. The Contracting States hereby recognize the permanent status of the Inter-American Institute of Agricultural Sciences, incorporated under the laws of the District of Columbia, United States of America, on June 18, 1942; and they agree to recognize the Institute as a legal entity in accordance with their own legislation. The Institute shall have all the rights, benefits, assets, lands and other property to which it was or may be entitled as a corporation, and shall assume all the obligations and contracts for which it became responsible as a corporation.

The executive headquarters of the Institute shall be located in Washington, D. C. The principal field headquarters of the Institute shall be located in Turrialba, Costa Rica. Regional offices of the Institute may

Los Gobiernos de las Repúblicas Americanas, animados del propósito de fomentar el adelanto de las ciencias agrícolas, así como de las artes y ciencias conexas; y deseosos de dar cumplimiento en forma práctica a la resolución aprobada por el Octavo Congreso Científico Americano que se celebró en Washington en 1940, recomendando el establecimiento de un Instituto Interamericano de Agricultura Tropical, han resuelto concertar una Convención para reconocer como institución permanente al Instituto Interamericano de Ciencias Agrícolas, que en el texto de esta Convención se designará como "el Instituto", sobre las bases que se determinan en los siguientes Artículos:

Artículo 1. Los Estados Contratantes reconocen mediante la presente Convención como Institución permanente al Instituto Interamericano de Ciencias Agrícolas, organizado como sociedad autorizada de acuerdo con las leyes del Distrito de Columbia, Estados Unidos de América, con fecha 18 de junio de 1942; y convienen en darle al Instituto el carácter de persona jurídica de acuerdo con su propia legislación. El Instituto gozará de todos los derechos, beneficios, capital, terrenos y otros bienes que ha adquirido o adquiera en calidad de corporación y asumirá todas las obligaciones y cumplirá los contratos que ha celebrado o celebre en la misma capacidad.

La oficina central ejecutiva del Instituto tendrá su sede en Washington, D. C. La oficina principal de actividades radicará en Turrialba, Costa Rica. Oficinas regionales del Instituto podrán ser establecidas en

be maintained throughout the American Republics.

Purposes

Art. 2. The purposes of the Institute are to encourage and advance the development of agricultural sciences in the American Republics through research, teaching and extension activities in the theory and practice of agriculture and related arts and sciences.

In furtherance of these purposes the Institute may, subject to the laws of the several countries, exercise the following powers: To develop, finance and operate similar establishments and installations in one or more of the American Republics; to give assistance in the establishment and maintenance of organizations having similar purposes in the said Republics; to purchase, sell, lease, improve or operate any property in the American Republics, in accordance with the purposes of the Institute; to collaborate with the Government of any American Republic, or with any other organization or entity, and to give assistance to the same; to receive contributions and donations of money or property, both real and personal; to enter into and carry out contracts and agreements; to raise or acquire and, in any manner, dispose of all agricultural commodities and products thereof essential for experimental or research purposes; and to carry on any other business or activity appropriate to the foregoing purposes.

The Board of Directors

Art. 3. The representatives of the twenty-one American Republics on the Governing Board of the Pan American Union shall serve as members of the Institute, and shall be considered as members of the

todas las otras Repúblicas Americanas.

Fines

Art. 2. Los fines del Instituto serán los de estimular y promover el desarrollo de las ciencias agrícolas en las Repúblicas Americanas mediante la investigación, la enseñanza y la divulgación de la teoría y de la práctica de la agricultura, así como de otras artes y ciencias conexas.

Para realizar estos fines, el Instituto podrá, de conformidad con las leyes de los distintos países, hacer uso de las siguientes atribuciones: crear, sostener y administrar establecimientos similares e instalaciones en una o más de las Repúblicas Americanas; prestar ayuda al establecimiento y mantenimiento de organizaciones que persigan finalidades análogas en dichas Repúblicas; comprar, vender, arrendar, mejorar o administrar cualquiera propiedad en las Repúblicas Americanas, de acuerdo con las finalidades del Instituto; colaborar con el Gobierno de cualquiera República Americana, o con cualesquiera otros organismos o entidades y prestar ayuda a los mismos; aceptar contribuciones y donativos en forma de dinero o bienes, tanto muebles como inmuebles; celebrar y llevar a cabo contratos y acuerdos; cultivar o adquirir toda clase de productos agrícolas y sus derivados o disponer de los mismos en cualquiera forma cuando sea esencial para fines de investigación o experimentación; y efectuar cualquier otro negocio o llevar a cabo cualquiera otra actividad que sean convenientes para los fines indicados.

La Junta Directiva

Art. 3. Los representantes de las veintiuna Repúblicas Americanas en el Consejo Directivo de la Unión Panamericana actuarán como miembros del Instituto y se considerarán como miembros de la Junta Direc-

Board of Directors thereof. In the event that any member is unable to attend a meeting of the Board of Directors the said member or his government may designate an alternate for that purpose. The decisions of the Board shall be adopted by a majority vote of its members, which majority vote shall include the votes of a majority of the members representing Contracting States. The Board shall have, among others, the following functions:

To elect the Director of the Institute and to approve the appointment of the Secretary made by the Director.

To remove both the Director and the Secretary.

To determine the compensation of the Director and the Secretary.

To supervise the activities of the Director, who shall be responsible for carrying out all orders and resolutions of said Board.

To appoint and define the duties and compensation of an administrative committee consisting of not more than eight persons, of whom one shall be the Director of the Institute *ex officio*. The members of this administrative committee need not be members of the Board of Directors.

To approve the budget for the administration of the Institute to be submitted annually by the Director.

To fix the annual quotas of the Institute.

The Board shall receive an annual report from the Director upon the activities of the Institute as well as upon its general condition and financial status.

Officers

Art. 4. The Institute shall have a Director and a Secretary. The Director shall be elected by the Board of Directors in plenary session for a term of six years; he may be re-elected one or more times. The first term of the Director under the

tiva del mismo. Si alguno de ellos no pudiere asistir a una reunión de la Junta Directiva se podrá designar un suplente para ese fin, ya sea por el propietario o por su respectivo Gobierno. Las decisiones de la Junta serán adoptadas por la mayoría de los votos de sus miembros, cuya mayoría de votos incluirá una mayoría de votos de los representantes de los Estados Contratantes. La Junta tendrá, entre otras, las siguientes atribuciones:

Elegir al Director del Instituto y ratificar el nombramiento del Secretario.

Remover tanto al Director como al Secretario.

Fijar la remuneración del Director y del Secretario.

Vigilar las actividades del Director, quien será responsable de dar cumplimiento a todas las órdenes y resoluciones de la Junta.

Nombrar un Comité Administrativo, asignándole sus deberes y fijándole sus gastos o emolumentos, el que consistirá de no más de ocho personas, entre las cuales servirá de miembro *ex officio* el Director del Instituto. No se requiere que los miembros de este Comité sean miembros de la Junta Directiva del Instituto.

Aprobar el presupuesto que someterá anualmente el Director para la administración del Instituto.

La Junta fijará las cuotas anuales del Instituto.

La Junta recibirá del Director un informe anual sobre las actividades del Instituto, así como de su estado general y situación financiera.

Funcionarios

Art. 4. El Instituto tendrá un Director y un Secretario. El Director será elegido por la Junta Directiva en sesión plenaria y durará seis años en su cargo; podrá ser reelecto una o más veces. El primer período del Director, para los fines de la

provisions of this Convention shall begin as of the day on which this Convention enters into force.

The Secretary shall be appointed by the Director with the approval of the Board of Directors of the Institute and shall be directly responsible to the Director.

The Director and the Secretary shall hold office until their respective successors shall be chosen and shall qualify; but they may be removed by vote of the majority of the members of the Institute.

The Director

Art. 5.—I. The Director under the supervision of the Board of Directors shall have ample and full powers to direct the activities of the Institute; and he shall be responsible for carrying out all orders and resolutions of said Board.

2. The Director under the supervision of the Board of Directors shall be the legal representative of the Institute; and he may legalize, with the seal of the Institute, all contracts, conveyances and other instruments which require such legalization and which in his opinion are necessary and advantageous to the operation of the Institute. In addition, he shall be authorized to take any other step necessary to validate such instruments as may be required or permitted by law. The Director may grant powers to others for all those acts which he cannot perform personally.

3. The Director, under the supervision of the Board of Directors of the Institute, shall have the power to appoint, remove, and determine the compensation of employees.

4. The Director shall prepare the budget of the Institute for each fiscal year, and submit it to the Board of Directors at least two months before the annual meeting at which it will be considered for approval.

presente Convención, principiará el día que ésta entre en vigor.

El Secretario será nombrado por el Director con la aprobación de la Junta Directiva del Instituto y será directamente responsable ante el Director.

El Director y el Secretario desempeñarán sus cargos hasta que sus sucesores respectivos sean designados y entren al desempeño de sus cargos; pero podrán ser removidos por el voto de la mayoría de los miembros del Instituto.

El Director

Art. 5.—I. El Director tendrá amplios y plenos poderes para dirigir las actividades del Instituto, bajo la vigilancia de la Junta Directiva del mismo; y será responsable del cumplimiento de todas las órdenes y resoluciones de dicha Junta.

2. El Director tendrá la representación legal del Instituto bajo la vigilancia de la Junta Directiva del mismo; y podrá legalizar con el sello del Instituto todos los contratos, trasposos y otros instrumentos que requieran ese trámite y que en su opinión sean necesarios y convenientes para el funcionamiento del Instituto. Además estará facultado para tomar cualquiera otra medida necesaria para dar fuerza legal a tales instrumentos, de conformidad con los requisitos o disposiciones de la ley. El Director podrá otorgar poderes a otras personas para todos aquellos actos que no pueda realizar él personalmente.

3. El Director, sujeto a la supervigilancia de la Junta Directiva del Instituto, tendrá facultad para nombrar y remover empleados y fijar su remuneración.

4. El Director preparará el presupuesto del Instituto para cada año fiscal y lo someterá a la Junta Directiva con no menos de dos meses de anticipación a la reunión anual, en la cual se considerará su aprobación.

5. The Director shall submit an annual report to the Board of Directors of the Institute two months before the annual meeting, setting forth the work of the Institute during the year and its general condition and financial status, and he shall submit to the approval of the said Board the budget and the plans for the following year.

The Secretary

Art. 6. The Secretary shall keep the minutes and records of the Institute, shall exercise all prerogatives and carry out all administrative duties assigned to him by the Director.

Technical Advisory Council

Art. 7. Provision is made for the establishment of a Technical Advisory Council, as follows:

1. Each of the Contracting States may appoint an agricultural expert to be its representative in the Technical Advisory Council of the Institute. This Council shall cooperate with the Director on agricultural matters of a technical nature. The appointment of each representative shall be officially notified to the Secretary of the Institute. The members of the Council shall serve for a period of five years at the will of their respective governments, and may be reappointed one or more times.

2. The Technical Advisory Council shall meet at least once a year, under the chairmanship of the Director of the Institute, at such place as the activities of the Institute may require. The Director may call special meetings of the Council on his own initiative, whenever the best interests of the Institute may require. Notice with respect to any meeting shall be given at least two months in advance and shall state the purpose or purposes of the proposed meeting.

5. El Director presentará un informe anual a la Junta Directiva del Instituto, dos meses antes de celebrarse la reunión anual, en el que dará cuenta de las labores del Instituto durante el año, así como de su estado general y situación financiera; y someterá a la aprobación de la misma Junta el presupuesto y los planes para el año siguiente.

El Secretario

Art. 6. El Secretario tendrá bajo su cuidado las actas y archivos del Instituto, gozará de todas las facultades y desempeñará todas las funciones administrativas que le encomiende el Director.

El Consejo Técnico Consultivo

Art. 7. Se establecerá un Consejo Técnico Consultivo, que se organizará en la forma siguiente:

1. Cada uno de los Estados Contratantes podrá designar un experto agrícola, quien actuará como su representante en el seno del Consejo Técnico Consultivo del Instituto. Este Consejo cooperará con el Director en asuntos de índole técnica agrícola. El nombramiento de cada representante se comunicará oficialmente al Secretario del Instituto. Los miembros del Consejo, sujetos a la voluntad de sus gobiernos, ejercerán sus funciones durante un período de cinco años, pudiendo ser nombrados nuevamente una o más veces para continuar en el desempeño de sus cargos.

2. El Consejo Técnico Consultivo se reunirá, a lo menos una vez al año, bajo la presidencia del Director del Instituto, en el lugar en que las actividades del Instituto lo requieran. El Director podrá citar al Consejo a reuniones extraordinarias por su propia iniciativa, cuando la buena marcha del Instituto así lo requiera. Cada una de estas reuniones deberá convocarse con dos meses de anticipación por lo menos, indicándose el motivo o motivos de

A majority of the members of the Council shall constitute a quorum.

3. No member of the Technical Advisory Council, as such, shall receive from the Institute any pecuniary compensation for his services, although the Institute may defray traveling expenses of the members of the Council to the annual meeting.

Fiscal Agent

Art. 8. The Pan American Union shall act as fiscal agent for and on behalf of the Institute, and as such shall receive and disburse the funds of the Institute.

Maintenance of the Institute

Art. 9. The income of the Institute for its maintenance and operation shall consist of annual quotas paid by the Contracting States, as well as of legacies, donations and contributions which the Institute may accept. Such funds and contributions shall be used only for purposes in keeping with the character of the Institute.

The annual quotas shall be determined by the Board of Directors of the Institute provided the vote is unanimous with respect to the members representing the Contracting States. The amounts of the respective quotas shall be in proportion to the population of each Contracting State, on the basis of the latest official statistics in possession of the Pan American Union on the first day of July of each year.

The annual quota payment of each Contracting State shall not exceed one dollar United States currency per one thousand of the total population of that State. The quota payments may, however, be increased by unanimous recommendation of those members of the Board of Directors who represent Contracting States and the approval by the appropriate authori-

la reunión propuesta. Una mayoría de los miembros del Consejo constituirá quórum.

3. Ningún miembro del Consejo Técnico Consultivo recibirá del Instituto, en tal capacidad, remuneración pecuniaria alguna por sus servicios; pero el Instituto podrá sufragar los gastos de viaje de los miembros del Consejo para su reunión anual.

Agente Fiscal

Art. 8. La Unión Panamericana actuará como agente fiscal del Instituto, y en tal capacidad recibirá y administrará los fondos del Instituto.

Sostenimiento del Instituto

Art. 9. Los recursos para sostener y fomentar las labores del Instituto consistirán en las cuotas anuales que cubran los Estados Contratantes, así como en los legados, donativos y contribuciones que el Instituto acepte. Tales fondos y contribuciones se utilizarán exclusivamente para fines que estén de acuerdo con el carácter del Instituto.

La Junta Directiva del Instituto fijará las cuotas anuales, en el entendimiento de que el voto deberá ser unánime en lo que respecta a los miembros que representen a los Estados Contratantes. El monto de las cuotas respectivas se fijará en proporción con el número de habitantes de cada Estado Contratante, tomándose como base las últimas estadísticas oficiales que existan en la Unión Panamericana el 1° de julio de cada año.

Se fijará la cuota anual de cada Estado Contratante, la que no excederá de un dólar en moneda de los Estados Unidos de América, por cada mil habitantes. Sin embargo, esa cuota podrá aumentarse mediante la recomendación unánime de los miembros de la Junta Directiva que represente los Estados Contratantes y con la aprobación de las

ties of each of the Contracting States of the increased quota of that State.

The quotas shall be communicated annually by the Pan American Union to the Governments of the Contracting States, and shall be paid before the first of July of each year.

The quota payments of each Contracting State shall commence on the day on which this Convention enters into force with respect to that State, prorated according to the number of full calendar months remaining in the current fiscal year.

The fiscal year of the Institute shall begin on the first day of July of each year.

Languages

Art. 10. The official languages of the Institute shall be English, Spanish, Portuguese and French.

Postal Privileges

Art. 11. The Contracting States agree to extend to the Institute forthwith the domestic and international franking privilege provided in the existing inter-American postal conventions and to ask the States members of the Pan American Union which have not ratified the present Convention to grant the Institute the same postal privileges.

Exemption from Taxation

Art. 12. Lands and buildings in the territory of any of the Contracting States of which the Institute is the legal or equitable owner and which are used exclusively for the purposes of the Institute shall be exempt from taxation of every kind, National, State, Provincial or Municipal, other than assessments levied for services or for local public improvements by which the premises are benefited.

autoridades competentes de cada Estado Contratante.

La Unión Panamericana comunicará a los Gobiernos de los Estados Contratantes las cantidades que les correspondan, las que deberán pagarse antes del 1° de julio de cada año.

El pago de la cuota correspondiente a cada Estado Contratante se comenzará a partir de la fecha en que esta Convención entre en vigor con respecto a ese Estado, calculándose la cantidad a base del número de meses completos que quedaren por terminarse dentro del año fiscal en curso.

El año fiscal del Instituto comenzará cada 1° de julio.

Idiomas

Art. 10. Serán idiomas oficiales del Instituto el español, el inglés, el portugués y el francés.

Franquicia Postal

Art. 11. Los Estados Contratantes acuerdan hacer extensiva al Instituto, desde luego dentro de sus respectivos territorios, y entre unos y otros, la franquicia postal establecida en las convenciones postales interamericanas en vigencia, pidiendo a los Estados miembros de la Unión Panamericana, que no hayan ratificado la presente Convención, que concedan al Instituto dicha prerrogativa.

Exención de Impuestos

Art. 12. Los bienes inmuebles que posea el Instituto, en derecho o equidad, en cualquiera de los Estados Contratantes, y que se utilicen exclusivamente para los fines que persigue el Instituto, estarán exentos de impuestos de cualquiera naturaleza, ya sean nacionales, estatales, provinciales o municipales, con excepción de las tasas que deban ser pagadas por razón de servicios o de mejoramientos públicos locales que redunden en beneficio de dichos inmuebles.

Furniture, equipment, supplies, construction materials and any other articles intended for official use of the Institute shall be exempt in the territory of any of the Contracting States from every form of taxation, including but not limited to customs duties, excise and surtaxes.

All funds and other property used for the purposes of the Institute, and all contracts and other official acts of the Institute within the scope of its purposes shall likewise be exempt from taxation of every kind in the territory of each of the Contracting States.

Movement of Funds

Art. 13. Each of the Contracting States shall take such measures as may be appropriate to facilitate the movement of funds of the Institute.

Exemptions and Privileges for Personnel and Students

Art. 14. Each of the Contracting States agrees that it will accord to persons engaged in the work of the Institute or pursuing studies under the auspices of the Institute, such privileges with respect to exemption from taxation and other burdens affecting the entry, travel and residence of such persons as may be appropriate under its laws and regulations.

Signature and Ratification

Art. 15.—1. The original of the present Convention in the English, Spanish, Portuguese and French languages shall be deposited with the Pan American Union and opened for signature by the Governments of the American Republics. The Pan American Union shall furnish a certified copy of the present Convention to each signatory Government and to the Government of each non-signatory State which is a member of the Union. The Pan American Union

El mobiliario, los efectos, enseres, utensilios, materiales de construcción y cualesquiera otros artículos destinados al uso oficial del Instituto estarán exentos, en el territorio de cualquiera de los Estados Contratantes, de todo gravamen, incluyendo derechos aduaneros, contribuciones indirectas y sobretasas, o cualesquiera otros.

Estarán también exentos de toda clase de impuestos, en el territorio de cada uno de los Estados Contratantes, los fondos y otros bienes que se empleen para los fines del Instituto, y todos los contratos y actos oficiales del Instituto, que se mantengan dentro de los límites de sus funciones.

Circulación de Fondos

Art. 13. Cada uno de los Estados Contratantes tomará las medidas que sean necesarias para facilitar el movimiento de los fondos del Instituto.

Facilidades para el Personal y Estudiantes

Art. 14. Cada uno de los Estados Contratantes conviene en acordar a las personas al servicio del Instituto, o que realicen estudios auspiciados por él, todas aquellas facilidades que puedan conceder en cuanto concierne a exenciones de impuestos y otros recargos que afecten la entrada, viajes y residencia de tales personas, conforme a sus leyes y reglamentos.

Firma y Ratificación

Art. 15.—1. El original de la presente Convención, redactado en los idiomas español, inglés, portugués y francés, será depositado en la Unión Panamericana y abierto a la firma de los Gobiernos de las Repúblicas Americanas. La Unión Panamericana enviará copias certificadas auténticas de la presente Convención a los gobiernos signatarios y a los gobiernos de los Estados no signatarios que sean miembros de la Unión Panamericana. La Unión Panamericana in-

shall inform all the Governments of the States members of the Pan American Union with respect to all signatures and the respective dates thereof.

2. The present Convention shall be ratified by the signatory States in conformity with their respective constitutional procedures. The instruments of ratification shall be deposited with the Pan American Union, which shall notify all the signatory Governments of each ratification deposited and the date of its deposit.

3. The present Convention shall come into force three months after the deposit of not less than five ratifications with the Pan American Union. Any ratification received after the date of entry into force of the Convention shall take effect one month after the date of its deposit with the Pan American Union.

Denunciation

Art. 16.—1. The present Convention shall, subject to the provisions of Paragraph 2 of this Article, remain in force indefinitely, but may be denounced by any Contracting State by a notification in writing to the Pan American Union, which shall inform all the other Contracting States of each notification of denunciation received. After the expiration of one year from the date of the receipt by the Pan American Union of a notification of denunciation by any Contracting State, the present Convention shall cease to be in force with respect to such State, but the Convention shall remain in full force and effect with respect to all the other Contracting States.

2. In the event that the number of Contracting States should be reduced to less than five as the result of denunciations, the remaining Contracting States shall immediately consult with each other with a view to revising the present Convention and with a view to determining the

formará a todos los gobiernos de los países miembros de la Unión Panamericana acerca de las firmas de adhesión que se registren y de las fechas respectivas de las mismas.

2. La presente Convención será ratificada por los Estados Signatarios de acuerdo con sus respectivos procedimientos constitucionales. Los instrumentos de ratificación serán depositados en la Unión Panamericana, la que comunicará a todos los Gobiernos Signatarios los datos sobre cada ratificación depositada.

3. La presente Convención entrará en vigor tres meses después de que se hayan depositado en la Unión Panamericana cinco ratificaciones cuando menos. Cualquiera ratificación que se reciba después de que la presente Convención entre en vigor tendrá efecto un mes después de la fecha del depósito de dicha ratificación en la Unión Panamericana.

Denuncia

Art. 16.—1. La presente Convención, de acuerdo con lo dispuesto en el párrafo 2° de este Artículo, regirá indefinidamente, pero podrá ser denunciada por cualquier Estado Contratante, dando aviso por escrito a la Unión Panamericana, la cual informará a todos los otros Estados Contratantes acerca de cada notificación de denuncia que sea recibida. Transcurrido un año a contar de la fecha en que haya sido recibida por la Unión Panamericana la notificación de denuncia, la presente Convención cesará en sus efectos para el Estado denunciante, pero permanecerá en pleno efecto en lo que respecta a todos los otros Estados Contratantes.

2. En el caso de que el número de Estados Contratantes quedare reducido a menos de cinco, como resultado de las denuncias, los Estados restantes se consultarán recíprocamente y de modo inmediato con el objeto de revisar la presente Convención y resolver lo conveniente

future status of the Institute. If, within two years after the date upon which the number of Contracting States is reduced to less than five, as the result of denunciations, no agreement shall have been reached by the remaining Contracting States regarding the continuation of the Convention and the status of the Institute, the Convention shall, upon the expiration of six months' written notice by any remaining Contracting State, cease to be in force. In the event that the Convention should cease to be in force, the status of the Institute shall be determined by the Governing Board of the Pan American Union.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, having deposited their full powers found to be in due and proper form, sign this Convention in the English, Spanish, Portuguese and French languages at the Pan American Union, Washington, D. C., on behalf of their respective Governments and affix thereto their seals on the dates appearing opposite their signatures.

[Firmada:] Por **Costa Rica**: CARLOS MANUEL ESCALANTE, 15 de enero de 1944; por **Nicaragua**: GUILLERMO SEVILLA SACASA, 15 de enero de 1944; por **Panamá**: ENRIQUE A. JIMÉNEZ, 15 de enero de 1944; for the **United States of America**: CORDELL HULL, January 15, 1944; por **Cuba**: AURELIO F. CONCHESO, 20 de enero de 1944; por **Ecuador**: C. E. ALFARO, 20 de enero de 1944.

[The Convention was also signed by Bolivia, Chile, Dominican Republic, El Salvador, Guatemala, Honduras, Uruguay, and Venezuela.]

sobre el futuro del Instituto. Si dentro de dos años, a partir de la fecha en que el número de Estados quedare reducido a menos de cinco, como resultado de denuncias, esos Estados no hubieren llegado a un acuerdo respecto a la continuidad de la Convención y al futuro del Instituto, la Convención cesará de tener vigor seis meses después de la fecha en que cualquiera de dichos Estados notifique por escrito a los otros su intención de terminarla. En el caso de que la Convención cesare de tener efecto, el futuro destino del Instituto será determinado por el Consejo Directivo de la Unión Panamericana.

EN FE DE LO CUAL, los infrascritos Plenipotenciarios, después de haber depositado sus plenos poderes, que se han encontrado en buena y debida forma, firman y sellan la presente Convención en español, inglés, portugués y francés, en la Unión Panamericana, Washington, D. C., en nombre de sus respectivos Gobiernos, en las fechas indicadas al lado de sus firmas.

No. 632

PROTOCOL for the Regulation of Whaling. Signed at London, February 7, 1944.

PROTOCOLE sur la réglementation de la chasse à la baleine. Signé à Londres, 7 février 1944.

EDITOR'S NOTE. The regulation of whaling has been the subject of continuous legislation over a period of years, and the successive instruments afford a striking illustration of a continuous process of international legislation. A convention opened for signature at

Geneva on September 24, 1931 (No. 295, *ante*), applied to baleens or whalebone whales. An agreement of June 8, 1937 (No. 485, *ante*), which was of more general application, was to remain in force until June 30, 1938, subject to extension by agreement; an amending protocol of June 24, 1938 (No. 485a, *ante*), extended some of its provisions until September 30, 1939, and others until December 8, 1940. Pelagic whaling having been interrupted for several years, a conference of certain parties to the 1937 agreement and the 1938 protocol was held in London, January 4-31, 1944, and drafted the Protocol of February 7, 1944, which was designed to make certain provisions of the 1937 agreement less restrictive. A supplementary protocol of October 5, 1945, was concluded to bring the 1944 Protocol into force without awaiting the accession of Ireland. *British Treaty Series*, No. 44 (1946), Cmd. 6941. A protocol of November 26, 1945 (No. 632a, *post*), further amended the 1937 agreement and the 1938 protocol, making certain provisions of previous instruments applicable for the 1946-1947 season. A protocol of March 15, 1946, gave permission to certain factory ships to continue whaling operations after March 24, 1946. *British Treaty Series*, No. 44 (1946), Cmd. 6941. The provisions of the protocol of November 26, 1945, were made applicable for the 1947-1948 season by a protocol of December 2, 1946. *U.S. Treaties and Other International Acts Series*, No. 1708. A new convention, signed at Washington on December 2, 1946, entered into force on November 10, 1948 (No. 632b, *post*). A protocol of March 3, 1947, was concluded to bring into force in its entirety the protocol of November 26, 1945, without awaiting ratification by Mexico and the Netherlands. 11 *U.N. Treaty Series*, p. 52.

RATIFICATIONS. On July 1, 1946, ratifications of or accessions to this Protocol had been deposited at London by the Argentine Republic, Canada, Denmark, Great Britain, Mexico, New Zealand, Norway, South Africa, and the United States of America.

BIBLIOGRAPHY. The text of this Protocol is also published in 10 *U.S. Department of State Bulletin* (1944), p. 592; *British Treaty Series*, No. 61 (1946), Cmd. 6990; Canada, *Treaty Series*, 1944, No. 20.

Anon., "Antarctic Whaling," 101 *Review of the River Plate* (November 15, 1946), pp. 18-19; A. G. N. Hildebrandt, "Het walvischvaartseizoen 1945/46," 31 *Economisch-statistische Berichten* (1946), pp. 596-98.

Entered into force October 5, 1945.

Text from *Br. Parl. Papers*, Misc. No. 1 (1944), Cmd. 6510.

The Governments of the Union of South Africa, the United States of America, the Commonwealth of Australia, the United Kingdom of Great Britain and Northern Ireland, Canada, Eire, New Zealand and Norway,

Being parties or signatories to the International Agreement for the Regulation of Whaling signed at London on the 8th June, 1937 (hereinafter referred to as the Agreement of 1937), and to the Protocol signed at London on the 24th June, 1938, introducing certain amendments into the Agreement of 1937 (hereinafter referred to as the Protocol of 1938); and

Desiring, in view of the fact that

pelagic whaling operations in the area to which Article 7 of the 1937 Agreement applies have been interrupted for a considerable period by the existence of hostilities and in order to meet the present emergency without prejudicing the conservation of stocks of whales, to put into force by agreement such provisions as may be necessary with regard to pelagic whaling in this area when whaling operations are resumed there:

Have agreed as follows:

Article 1.—(i) The period fixed by Article 7 of the Agreement of 1937, during which factory ships or a whale catcher attached thereto may be used for the purpose of taking or treating baleen whales, shall be ex-

tended for the first season in which whaling operations are resumed in the area referred to in the said Article 7, so as to cover the period from the 24th November to the 24th March, both dates inclusive.

(ii) Each Government party to the present protocol shall give notice to the Government of the United Kingdom when whale factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the area defined in Article 7 of the Agreement of 1937. The Government of the United Kingdom will inform the other Governments party to the present protocol of all notices received under this paragraph and shall itself similarly give notice to the other contracting Governments if whale factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the said area.

(iii) For the purposes of paragraph (i) of this article the first season in respect of which any notice has been given under paragraph (ii) above, shall be deemed to be the first season in which whaling operations are resumed. This season is hereinafter referred to as "the first season."

Art. 2. The provisions of Article 1 of the Protocol of 1938 relating to the taking of humpback whales in any waters south of 40 degrees south latitude shall apply during the first season.

Art. 3.—(i) During the first season, the number of baleen whales caught in the area referred to in Article 7 of the 1937 Agreement shall not exceed 16,000 blue whale units.

(ii) For the purposes of paragraph (i) of this article, blue whale units shall be calculated on the basis that one blue whale equals—

- (a) 2 fin whales, or
- (b) 2½ humpback whales, or
- (c) 6 sei whales.

(iii) The Government of the United Kingdom shall consult all the Governments who have given notice under Article 1 (ii) of this agreement in order to arrange by co-operation and agreement the measures necessary to ensure that the total number of baleen whales caught during the first season does not exceed the number specified in paragraph (i) of this article.

Art. 4. In the absence of agreement to the contrary none of the provisions of the present protocol shall operate except in the first season.

Art. 5. The present protocol shall be ratified and the instruments of ratification deposited as soon as possible with the Government of the United Kingdom.

Art. 6.—(i) The present protocol shall be open to accession on behalf of any Government which was a party to the 1937 Agreement and has not signed the present protocol.

(ii) Accession shall be effected by means of a notification addressed to the Government of the United Kingdom.

Art. 7.—(i) The Government of the United Kingdom shall inform the Governments of the United States of America, Canada, Eire, Mexico, New Zealand and Norway of all ratifications of this protocol or accessions thereto.

(ii) The present protocol shall come into force as soon as ratifications or accessions have been deposited on behalf of all Governments referred to in paragraph (i) of this article and of the Government of the United Kingdom.

(iii) The ratification of or accession to the present protocol by a Government which is a signatory but not a party to the Agreement of 1937 shall not become effective until such Government becomes a party to that agreement by ratification.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly

authorised to this effect by their respective Governments, have signed the present protocol and affixed thereto their seals.

Done at London this 7th day of February, 1944, in a single copy

which shall remain deposited in the archives of the Government of the United Kingdom by whom certified copies will be transmitted to all the Governments referred to in Article 7 (i).

[Signed:] For the Government of the Union of South Africa: DENEYS REITZ, A. P. VAN DER POST; for the Government of the United States of America: LOYD V. STEERE; for the Government of the Commonwealth of Australia: S. M. BRUCE; for the Government of the United Kingdom of Great Britain and Northern Ireland: A. T. A. DOBSON, J. E. DE WATTEVILLE; for the Government of Canada: VINCENT MASSEY; for the Government of New Zealand: W. J. JORDAN; for the Government of Norway: BIRGER BERGERSEN.

No. 632a

Protocol for the Regulation of Whaling. Opened for signature at London, November 26, 1945.

Protocole sur la réglementation de la chasse à la baleine. Ouvert à la signature à Londres, 26 novembre 1945.

EDITOR'S NOTE. This Protocol, prepared at the International Whaling Conference held at London, November 20-26, 1945, amended for the 1946-1947 season various provisions of the 1937 agreement on whaling (No. 485, *ante*) and of the 1938 protocol of amendment (No. 485a, *ante*). It was made applicable to the 1947-1948 season by the protocol of December 2, 1946, and was brought into force by the protocol of March 3, 1947, without awaiting ratification by Mexico and the Netherlands. *U.S. Treaties and Other International Acts Series*, No. 1708; *11 U.N. Treaty Series*, p. 52.

RATIFICATIONS. On July 1, 1948, ratifications of or accessions to this Protocol had been deposited at London by Australia, Canada, Denmark, France, Great Britain, Iceland, Mexico, Netherlands, New Zealand, Norway, Panama, South Africa, the Soviet Union, and the United States of America.

BIBLIOGRAPHY. The text of this Protocol is also published in *11 U.N. Treaty Series*, p. 43; *U.S. Treaties and Other International Acts Series*, No. 1597; Canada, *Treaty Series*, 1945, No. 21.

Entered into force March 3, 1947.¹

Text from *British Treaty Series*, No. 70 (1946), Cmd. 7009.

The Governments of the Union of South Africa, the Commonwealth of Australia, Canada, Denmark, France, Mexico, the Netherlands, New Zealand, Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America;

¹ Registered with the Secretariat of the United Nations, No. 148, November 26, 1947. Certain articles of this Protocol became binding on April 4, 1946, in pursuance of Article 8(2).

Desiring, in view of the fact that pelagic whaling operations in the area defined by Article 7 of the International Agreement for the Regulation of Whaling, signed at London on the 8th June, 1937 (hereinafter referred to as the Principal Agreement), as amended by the Protocol signed at London on the 24th June, 1938 (hereinafter referred to as the Protocol of 1938), have been interrupted for a considerable period by the war, and in order to meet the emergency produced by post-war conditions without prejudice to the conservation of stocks of whales, to put into force by agreement such provisions as may be necessary in regard to pelagic whaling for the season 1946/47;

Have agreed as follows:

Article 1. Subject to the provisions of Article 3 of the present Protocol, the period fixed by Article 7 of the Principal Agreement, during which factory ships or whalecatchers attached thereto may be used for the purpose of taking or treating baleen whales, shall be extended for the season 1946/47 so as to cover the period from the 8th December to the 7th April inclusive.

Art. 2. Each contracting Government shall give notice to the Government of the United Kingdom when factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the area defined by Article 7 of the Principal Agreement. The Government of the United Kingdom will inform the other contracting Governments of all notices received under this paragraph and shall itself similarly give notice to the other contracting Governments if factory ships registered under the law of any territory under its authority or otherwise under its jurisdiction engage in whaling operations in the said area.

Art. 3. The prohibition contained in Article 1 of the Protocol of 1938 relating to the taking of hump back

whales in any waters south of 40° south latitude shall apply during the season of 1946/47.

Art. 4.—(1) During the season of 1946/47 the number of baleen whales caught in the area defined by Article 7 of the Principal Agreement shall not exceed 16,000 blue whale units.

(2) For the purposes of paragraph 1 of this Article blue whale units shall be calculated on the basis that one blue whale equals—

(a) Two fin whales or

(b) Two and a half hump back whales or

(c) Six sei whales.

(3) Each contracting Government undertakes to ensure that the International Bureau for Whaling Statistics shall be provided, within two days after the end of each calendar week, with data on the number of blue whale units caught by each factory ship under the jurisdiction of the said Government in the area defined by Article 7 of the Principal Agreement. The Government of the United Kingdom shall consult from time to time with the International Bureau for Whaling Statistics and if it should appear that the annual quota provided by paragraph (1) of this Article may be reached before the 7th April, the International Bureau for Whaling Statistics shall be requested to determine, on the basis of the data provided, the date on which the annual quota of blue whale units shall be deemed to have been reached and to notify each contracting Government of that date not less than two weeks in advance thereof. The taking of baleen whales shall be illegal after the date so determined.

Art. 5. The provisions of Article 3, paragraph (2), of the Protocol of 1938, regarding the operation of factory ships as land stations in the territorial waters of any contracting Government, shall not apply during the period from 1st May, 1947, to 31st October, 1947, inclusive.

Art. 6.—(1) In the present Protocol the following expressions shall have the meanings assigned to them in Article 18 of the Principal Agreement: "factory ship," "whalecatcher," "land station," "baleen whale," "blue whale," "hump back whale," "fin whale."

(2) Sei whale means, for the purposes of this Protocol, any whale known by the name of *balaenoptera borealis*, sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale, and shall be taken to include *Balaenoptera brydei*, Bryde's whale.

(3) The expression "land station" shall, for the purposes of Article 5 of the present Protocol, include a factory ship the movements and anchorage of which are confined to the territorial waters of any contracting Government.

Art. 7.—(1) The present Protocol shall be ratified and the instruments of ratification deposited as soon as possible with the Government of the United Kingdom; and it shall be open to accession on behalf of any Government which is a party to the Principal Agreement and the Protocol of 1938 and has not signed the present Protocol.

(2) Accession shall be effected by notification addressed to the Government of the United Kingdom.

(3) The Government of the United Kingdom shall inform the Governments which are parties or signatories to the present Protocol of all ratifications of this Protocol or accessions thereto.

Art. 8.—(1) The present Protocol shall come into force in its entirety

when all the Governments referred to in the Preamble hereof shall have deposited their instruments of ratification or given notification of accession.

(2) The provisions of this Article and Articles 2, 3, 4, 6 (1), 6 (2) and 7 of the present Protocol shall, when instruments of ratification have been deposited by at least three signatory Governments, become binding on those Governments and shall become binding on each other Government which subsequently ratifies or accedes, on the date of the deposit of its instrument of ratification or notification of its accession.

(3) The ratification of or accession to the present Protocol by a Government which is not a party to the Principal Agreement and the Protocol of 1938 shall not become effective until such Government becomes a party to that Agreement and the Protocol of 1938.

Art. 9. The present Protocol shall bear the date on which it is opened for signature and shall remain open for signature for a period of 14 days thereafter.

IN WITNESS WHEREOF the undersigned plenipotentiaries being duly authorised to this end by their respective Governments have signed the present Protocol.

Done at London this 26th day of November, 1945, in a single copy which shall remain deposited in the archives of the Government of the United Kingdom, by whom certified copies will be transmitted to all the Governments referred to in the preamble.

[Signed:] For the Government of the **Union of South Africa**: A. P. VAN DER POST; for the Government of the **Commonwealth of Australia**: J. S. DUNCAN; for the Government of **Canada**: VINCENT MASSEY; for the Government of **Denmark**: P. F. ERICHSEN; for the Provisional Government of the **French Republic**: NOËL HENRY; for the Government of the **United Mexican States**: ALFONSO DE ROSENZWEIG DIAZ; for the Government of the **Netherlands**: E. TEIXEIRA DE MATTOS; for the Government of **New Zealand**: R. M. CAMPBELL; for the Government of **Norway**: BIRGER BERGERSEN; for the Government of the **United Kingdom of Great Britain and Northern Ireland**:

A. T. A. DOBSON, J. E. DE WATTEVILLE; for the Government of the United States of America: REMINGTON KELLOGG, IRA N. GABRIELSON.

No. 632b

Convention for the Regulation of Whaling. Signed at Washington, December 2, 1946.

Convention pour la réglementation de la chasse à la baleine. Signée à Washington, 2 décembre 1946.

EDITOR'S NOTE. This Convention was drafted at the International Whaling Conference which met at Washington, November 20–December 2, 1946. *Br. Parl. Papers*, Misc. No. 3 (1947), Cmd. 7403. Amendments to paragraphs 6, 7, and 10 of the Schedule to this Convention were adopted by the International Whaling Commission at its first meeting held at London, May 30–June 7, 1949. *British Treaty Series*, No. 75 (1949), Cmd. 7853. For previous agreements on the subject, see Nos. 295, 485, 485a, 632, and 632a, *ante*.

RATIFICATIONS. On May 20, 1949, ratifications of or accessions to the Convention had been deposited at Washington by Australia, Canada, France, Great Britain, Iceland, Netherlands, Norway, Panama, South Africa, the Soviet Union, Sweden, and the United States of America.

BIBLIOGRAPHY. The text of this Convention is also published in *British Treaty Series*, No. 5 (1949), Cmd. 7604; Canada, *Treaty Series*, 1946, No. 54.

Entered into force November 10, 1948.

Text from *U.S. Treaties and Other International Acts Series*, No. 1849.

The Governments whose duly authorized representatives have subscribed hereto,

Recognizing the interest of the nations of the world in safeguarding for future generations the great natural resources represented by the whale stocks;

Considering that the history of whaling has seen overfishing of one area after another and of one species of whale after another to such a degree that it is essential to protect all species of whales from further overfishing;

Recognizing that the whale stocks are susceptible of natural increases if whaling is properly regulated, and that increases in the size of whale stocks will permit increases in the numbers of whales which may be captured without endangering these natural resources;

Recognizing that it is in the com-

mon interest to achieve the optimum level of whale stocks as rapidly as possible without causing widespread economic and nutritional distress;

Recognizing that in the course of achieving these objectives, whaling operations should be confined to those species best able to sustain exploitation in order to give an interval for recovery to certain species of whales now depleted in numbers;

Desiring to establish a system of international regulation for the whale fisheries to ensure proper and effective conservation and development of whale stocks on the basis of the principles embodied in the provisions of the International Agreement for the Regulation of Whaling signed in London on June 8, 1937 and the protocols to that Agreement signed in London on June 24, 1938 and November 26, 1945; and

Having decided to conclude a con-

vention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry;

Have agreed as follows:

Article 1.—1. This Convention includes the Schedule attached thereto which forms an integral part thereof. All references to "Convention" shall be understood as including the said Schedule either in its present terms or as amended in accordance with the provisions of Article 5.

2. This Convention applies to factory ships, land stations, and whale catchers under the jurisdiction of the Contracting Governments, and to all waters in which whaling is prosecuted by such factory ships, land stations, and whale catchers.

Art. 2. As used in this Convention

1. "factory ship" means a ship in which or on which whales are treated whether wholly or in part;

2. "land station" means a factory on the land at which whales are treated whether wholly or in part;

3. "whale catcher" means a ship used for the purpose of hunting, taking, towing, holding on to, or scouting for whales;

4. "Contracting Government" means any Government which has deposited an instrument of ratification or has given notice of adherence to this Convention.

Art. 3.—1. The Contracting Governments agree to establish an International Whaling Commission, hereinafter referred to as the Commission, to be composed of one member from each Contracting Government. Each member shall have one vote and may be accompanied by one or more experts and advisers.

2. The Commission shall elect from its own members a Chairman and Vice Chairman and shall determine its own Rules of Procedure. Decisions of the Commission shall be taken by a simple majority of those

members voting except that a three-fourths majority of those members voting shall be required for action in pursuance of Article 5. The Rules of Procedure may provide for decisions otherwise than at meetings of the Commission.

3. The Commission may appoint its own Secretary and staff.

4. The Commission may set up, from among its own members and experts or advisers, such committees as it considers desirable to perform such functions as it may authorize.

5. The expenses of each member of the Commission and of his experts and advisers shall be determined and paid by his own Government.

6. Recognizing that specialized agencies related to the United Nations will be concerned with the conservation and development of whale fisheries and the products arising therefrom and desiring to avoid duplication of functions, the Contracting Governments will consult among themselves within two years after the coming into force of this Convention to decide whether the Commission shall be brought within the framework of a specialized agency related to the United Nations.

7. In the meantime the Government of the United Kingdom of Great Britain and Northern Ireland shall arrange, in consultation with the other Contracting Governments, to convene the first meeting of the Commission, and shall initiate the consultation referred to in paragraph 6 above.

8. Subsequent meetings of the Commission shall be convened as the Commission may determine.

Art. 4.—1. The Commission may either in collaboration with or through independent agencies of the Contracting Governments or other public or private agencies, establishments, or organizations, or independently

(a) encourage, recommend, or if

necessary, organize studies and investigations relating to whales and whaling;

(b) collect and analyze statistical information concerning the current condition and trend of the whale stocks and the effects of whaling activities thereon;

(c) study, appraise, and disseminate information concerning methods of maintaining and increasing the populations of whale stocks.

2. The Commission shall arrange for the publication of reports of its activities, and it may publish independently or in collaboration with the International Bureau for Whaling Statistics at Sandefjord in Norway and other organizations and agencies such reports as it deems appropriate, as well as statistical, scientific, and other pertinent information relating to whales and whaling.

Art. 5.—1. The Commission may amend from time to time the provisions of the Schedule by adopting regulations with respect to the conservation and utilization of whale resources, fixing (a) protected and unprotected species; (b) open and closed seasons; (c) open and closed waters, including the designation of sanctuary areas; (d) size limits for each species; (e) time, methods, and intensity of whaling (including the maximum catch of whales to be taken in any one season); (f) types and specifications of gear and apparatus and appliances which may be used; (g) methods of measurement; and (h) catch returns and other statistical and biological records.

2. These amendments of the Schedule (a) shall be such as are necessary to carry out the objectives and purposes of this Convention and to provide for the conservation, development, and optimum utilization of the whale resources; (b) shall be based on scientific findings; (c) shall not involve restrictions on the num-

ber or nationality of factory ships or land stations, nor allocate specific quotas to any factory ship or land station or to any group of factory ships or land stations; and (d) shall take into consideration the interests of the consumers of whale products and the whaling industry.

3. Each of such amendments shall become effective with respect to the Contracting Governments ninety days following notification of the amendment by the Commission to each of the Contracting Governments, except that (a) if any Government presents to the Commission objection to any amendment prior to the expiration of this ninety-day period, the amendment shall not become effective with respect to any of the Governments for an additional ninety days; (b) thereupon, any other Contracting Government may present objection to the amendment at any time prior to the expiration of the additional ninety-day period, or before the expiration of thirty days from the date of receipt of the last objection received during such additional ninety-day period, whichever date shall be the later; and (c) thereafter, the amendment shall become effective with respect to all Contracting Governments which have not presented objection but shall not become effective with respect to any Government which has so objected until such date as the objection is withdrawn. The Commission shall notify each Contracting Government immediately upon receipt of each objection and withdrawal and each Contracting Government shall acknowledge receipt of all notifications of amendments, objections, and withdrawals.

4. No amendments shall become effective before July 1, 1949.

Art. 6. The Commission may from time to time make recommendations to any or all Contracting Governments on any matters which relate to whales or whaling and to

the objectives and purposes of this Convention.

Art. 7. The Contracting Governments shall ensure prompt transmission to the International Bureau for Whaling Statistics at Sandefjord in Norway, or to such other body as the Commission may designate, of notifications and statistical and other information required by this Convention in such form and manner as may be prescribed by the Commission.

Art. 8.—1. Notwithstanding anything contained in this Convention, any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take, and treat whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the Contracting Government thinks fit, and the killing, taking, and treating of whales in accordance with the provisions of this Article shall be exempt from the operation of this Convention. Each Contracting Government shall report at once to the Commission all such authorizations which it has granted. Each Contracting Government may at any time revoke any such special permit which it has granted.

2. Any whales taken under these special permits shall so far as practicable be processed and the proceeds shall be dealt with in accordance with directions issued by the Government by which the permit was granted.

3. Each Contracting Government shall transmit to such body as may be designated by the Commission, insofar as practicable, and at intervals of not more than one year, scientific information available to that Government with respect to whales and whaling, including the results of research conducted pursuant to paragraph 1 of this Article and to Article 4.

4. Recognizing that continuous

collection and analysis of biological data in connection with the operations of factory ships and land stations are indispensable to sound and constructive management of the whale fisheries, the Contracting Governments will take all practicable measures to obtain such data.

Art. 9.—1. Each Contracting Government shall take appropriate measures to ensure the application of the provisions of this Convention and the punishment of infractions against the said provisions in operations carried out by persons or by vessels under its jurisdiction.

2. No bonus or other remuneration calculated with relation to the results of their work shall be paid to the gunners and crews of whale catchers in respect of any whales the taking of which is forbidden by this Convention.

3. Prosecution for infractions against or contraventions of this Convention shall be instituted by the Government having jurisdiction over the offense.

4. Each Contracting Government shall transmit to the Commission full details of each infraction of the provisions of this Convention by persons or vessels under the jurisdiction of that Government as reported by its inspectors. This information shall include a statement of measures taken for dealing with the infraction and of penalties imposed.

Art. 10.—1. This Convention shall be ratified and the instruments of ratification shall be deposited with the Government of the United States of America.

2. Any Government which has not signed this Convention may adhere thereto after it enters into force by a notification in writing to the Government of the United States of America.

3. The Government of the United States of America shall inform all other signatory Governments and all adhering Governments of all ratifica-

tions deposited and adherences received.

4. This Convention shall, when instruments of ratification have been deposited by at least six signatory Governments, which shall include the Governments of the Netherlands, Norway, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, enter into force with respect to those Governments and shall enter into force with respect to each Government which subsequently ratifies or adheres on the date of the deposit of its instrument of ratification or the receipt of its notification of adherence.

5. The provisions of the Schedule shall not apply prior to July 1, 1948. Amendments to the Schedule adopted pursuant to Article 5 shall not apply prior to July 1, 1949.

Art. 11. Any Contracting Government may withdraw from this Convention on June thirtieth of any year by giving notice on or before January first of the same year to the depositary Government, which upon

receipt of such a notice shall at once communicate it to the other Contracting Governments. Any other Contracting Government may, in like manner, within one month of the receipt of a copy of such a notice from the depositary Government, give notice of withdrawal, so that the Convention shall cease to be in force on June thirtieth of the same year with respect to the Government giving such notice of withdrawal.

This Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Convention.

Done in Washington this second day of December 1946, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other signatory and adhering Governments.

[Signed:] For **Argentina**: O. IVANISSEVICH, J. M. MONETA, G. BROWN, PEDRO H. BRUNO VIDELA; for **Australia**: F. F. ANDERSON; for **Brazil**: PAULO FRÖES DA CRUZ; for **Canada**: H. H. WRONG, HARRY A. SCOTT; for **Chile**: AGUSTIN R. EDWARDS; for **Denmark**: P. F. ERICHSEN; for **France**: FRANCIS LACOSTE; for the **Netherlands**: D. J. VAN DIJK; for **New Zealand**: G. R. POWLES; for **Norway**: BIRGER BERGERSEN; for **Peru**: C. ROTALDE; for the **Union of Soviet Socialist Republics**: A. BOGDANOV, E. NIKISHIN; for the **United Kingdom of Great Britain and Northern Ireland**: A. T. A. DOBSON, JOHN THOMSON; for the **United States of America**: REMINGTON KELLOGG, IRA N. GABRIELSON, WILLIAM E. S. FLORY; for the **Union of South Africa**: H. T. ANDREWS.

SCHEDULE

1. (a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship.

(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

2. It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to

be used exclusively for local consumption by the aborigines.

3. It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

4. It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any of the following areas:

(a) in the waters north of 66° North Latitude except that from 150° East Longitude eastward as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(b) in the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(c) in the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(d) in the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(e) in the Indian Ocean and its dependent waters north of 40° South Latitude.

5. It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude.

6. It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating humpback whales in any waters south of 40° South Latitude.

7. (a) It is forbidden to use a factory ship or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any waters south of 40° South Latitude, except during the period from December 15 to April 1 following, both days inclusive.

(b) Notwithstanding the above prohibition of treatment during a closed season, the treatment of whales which have been taken during the open season may be completed after the end of the open season.

8. (a) The number of baleen whales taken during the open season caught in any waters south of 40° South Latitude by whale catchers attached to factory

ships under the jurisdiction of the Contracting Governments shall not exceed sixteen thousand blue-whale units.

(b) For the purposes of subparagraph (a) of this paragraph, blue-whale units shall be calculated on the basis that one blue whale equals:

(1) two fin whales or

(2) two and a half humpback whales or

(3) six sei whales.

(c) Notification shall be given in accordance with the provisions of Article 7 of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government.

(d) If it should appear that the maximum catch of whales permitted by subparagraph (a) of this paragraph may be reached before April 1 of any year, the Commission, or such other body as the Commission may designate, shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify each Contracting Government of that date not less than two weeks in advance thereof. The taking of baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after the date so determined.

(e) Notification shall be given in accordance with the provisions of Article 7 of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

9. It is forbidden to take or kill any blue, fin, sei, humpback, or sperm whales below the following lengths:

(a) blue whales, 70 feet (21.3 meters)

(b) fin whales, 55 feet (16.8 meters)

(c) sei whales, 40 feet (12.2 meters)

(d) humpback whales, 35 feet (10.7 meters)

(e) sperm whales, 35 feet (10.7 meters)

except that blue whales of not less than 65 feet (19.8 meters), fin whales of not less than 50 feet (15.2 meters), and sei whales of not less than 35 feet (10.7 meters) in length may be taken for delivery to land stations provided that the meat of such whales is to be used for local consumption as human or animal food.

Whales must be measured when at rest

on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot: that is to say, any whale between 75' 6" and 76' 6" shall be logged as 76', and any whale between 76' 6" and 77' 6" shall be logged as 77'. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, *e.g.* 76' 6" precisely, shall be logged as 77'.

10. It is forbidden to use a land station or a whale catcher attached thereto for the purpose of taking or treating baleen whales in any area or in any waters for more than six months in any period of twelve months, such period of six months to be continuous.

11. It is forbidden to use a factory ship, which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season.

12. (a) All whales taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals.

(b) Complete treatment of the carcasses of "Dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

13. The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass (except of a whale used as a fender) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is taken up on to the deck of the factory ship for treatment. All whale catchers engaged in taking whales must report by radio to the

factory ship the time when each whale is caught.

14. Gunners and crews of factory ships, land stations, and whale catchers shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size, and yield of whales taken, and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of milkfed or lactating whales.

15. Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

16. Notification shall be given in accordance with the provisions of Article 7 of the Convention with regard to all factory ships and land stations of statistical information (a) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (b) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (c) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in (a) and (c) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales.

In communicating this information there shall be specified:

(a) the name and gross tonnage of each factory ship;

(b) the number and aggregate gross tonnage of the whale catchers;

(c) a list of the land stations which were in operation during the period concerned.

17. Notwithstanding the definition of land station contained in Article 2 of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the op-

eration of land stations within the following areas:

(a) on the coast of Madagascar and its dependencies, and on the west coasts of French Africa;

(b) on the west coast of Australia in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the port of Albany; and on the east coast of Australia, in Twofold Bay and Jervis Bay.

18. The following expressions have the meanings respectively assigned to them, that is to say:

"baleen whale" means any whale other than a toothed whale;

"blue whale" means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom;

"fin whale" means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale;

"sei whale" means any whale known by the name of *Balaenoptera borealis*, sei

whale, Rudolphi's rorqual, pollack whale, or coalfish whale, and shall be taken to include *Balaenoptera brydei*, Bryde's whale;

"gray whale" means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back, rip sack;

"humpback whale" means any whale known by the name of bunch, humpback, North Atlantic whale, humpbacked whale, hump whale, or hunchbacked whale;

"right whale" means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale;

"sperm whale" means any whale known by the name of sperm whale, sperm whale, cachalot, or pot whale;

"Dauhvål" means any unclaimed dead whale found floating.

No. 633

DECLARATION concerning the Aims and Purposes of the International Labor Organization. Adopted at Philadelphia, May 10, 1944.

DÉCLARATION concernant les buts et les objectifs de l'Organisation internationale du Travail. Adoptée à Philadelphie, 10 mai 1944.

EDITOR'S NOTE. This Declaration, adopted by the International Labor Conference at its twenty-sixth session, reaffirmed the statement of "general principles" contained in Article 41 (427) of the Constitution of the International Labor Organization (No. 2, *ante*). It became an annex to the Constitution of the Organization as amended by the instrument of October 9, 1946 (No. 665a, *post*).

RATIFICATIONS. This Declaration was not subject to ratification.

BIBLIOGRAPHY. The text of this Declaration is also published in 26 International Labour Office, *Official Bulletin* (1944), pp. 1-3; 10 U.S. Department of State *Bulletin* (1944), pp. 482-83. See also International Labour Conference, Twenty-Sixth Session, Report I: *Future Policy, Programme and Status of the International Labour Organisation* (Montreal, 1944), pp. 1-21, 185-86; —, *Record of Proceedings* (Montreal, 1944), pp. 135, 187-88, 315-17, 350-51, 621-23; 98 *Bundesblatt der schweizerischen Eidgenossenschaft* (1946), I, pp. 780-805.

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Entered into force May 10, 1944.

Text supplied by the International Labor Office.

The General Conference of the International Labour Organisation, meeting in its Twenty-sixth Session in Philadelphia, hereby adopts, this tenth day of May in the year nineteen hundred and forty-four, the present Declaration of the aims and purposes of the International Labour Organisation and of the principles which should inspire the policy of its Members.

I. The Conference reaffirms the fundamental principles on which the Organisation is based and, in particular, that:

- (a) labour is not a commodity;
- (b) freedom of expression and of association are essential to sustained progress;
- (c) poverty anywhere constitutes a danger to prosperity everywhere;
- (d) the war against want requires to be carried on with unrelenting vigour within each nation, and by continuous and concerted international effort in which the representa-

La Conférence générale de l'Organisation internationale du Travail, réunie à Philadelphie en sa vingt-sixième session, adopte, ce dixième jour de mai 1944, la présente Déclaration des buts et objectifs de l'Organisation internationale du Travail, ainsi que des principes dont devrait s'inspirer la politique de ses Membres.

I. La Conférence affirme à nouveau les principes fondamentaux sur lesquels est fondée l'Organisation, à savoir notamment:

- a) le travail n'est pas une marchandise;
- b) la liberté d'expression et d'association est une condition indispensable d'un progrès soutenu;
- c) la pauvreté, où qu'elle existe, constitue un danger pour la prospérité de tous;
- d) la lutte contre le besoin doit être menée avec une inlassable énergie au sein de chaque nation, et par un effort international continu et concerté dans lequel les représentants

tives of workers and employers, enjoying equal status with those of Governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare.

II. Believing that experience has fully demonstrated the truth of the statement in the Constitution of the International Labour Organisation that lasting peace can be established only if it is based on social justice, the Conference affirms that:

(a) all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity;

(b) the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy;

(c) all national and international policies and measures, in particular those of an economic and financial character, should be judged in this light and accepted only in so far as they may be held to promote and not to hinder the achievement of this fundamental objective;

(d) it is a responsibility of the International Labour Organisation to examine and consider all international economic and financial policies and measures in the light of this fundamental objective;

(e) in discharging the tasks entrusted to it the International Labour Organisation, having considered all relevant economic and financial factors, may include in its decisions and recommendations any provisions which it considers appropriate.

III. The Conference recognises the solemn obligation of the Inter-

des travailleurs et des employeurs, coopérant sur un pied d'égalité avec ceux des gouvernements, participent à de libres discussions et à des décisions de caractère démocratique en vue de promouvoir le bien commun.

II. Convaincue que l'expérience a pleinement démontré le bien-fondé de la déclaration contenue dans la Constitution de l'Organisation internationale du Travail, et d'après laquelle une paix durable ne peut être établie que sur la base de la justice sociale, la Conférence affirme que:

a) tous les êtres humains, quels que soient leur race, leur croyance ou leur sexe, ont le droit de poursuivre leur progrès matériel et leur développement spirituel dans la liberté et la dignité, dans la sécurité économique et avec des chances égales;

b) la réalisation des conditions permettant d'aboutir à ce résultat doit constituer le but central de toute politique nationale et internationale;

c) tous les programmes d'action et mesures prises sur le plan national et international, notamment dans le domaine économique et financier, doivent être appréciés de ce point de vue et acceptés seulement dans la mesure où ils apparaissent de nature à favoriser, et non à entraver, l'accomplissement de cet objectif fondamental;

d) il incombe à l'Organisation internationale du Travail d'examiner et de considérer à la lumière de cet objectif fondamental, dans le domaine international, tous les programmes d'action et mesures d'ordre économique et financier;

e) en s'acquittant des tâches qui lui sont confiées, l'Organisation internationale du Travail, après avoir tenu compte de tous les facteurs économiques et financiers pertinents, a qualité pour inclure dans ses décisions et recommandations toutes dispositions qu'elle juge appropriées.

III. La Conférence reconnaît l'obligation solennelle pour l'Organisa-

national Labour Organisation to further among the nations of the world programmes which will achieve:

(a) full employment and the raising of standards of living;

(b) the employment of workers in the occupations in which they can have the satisfaction of giving the fullest measure of their skill and attainments and make their greatest contribution to the common well-being;

(c) the provision, as a means to the attainment of this end and under adequate guarantees for all concerned, of facilities for training and the transfer of labour, including migration for employment and settlement;

(d) policies in regard to wages and earnings, hours and other conditions of work calculated to ensure a just share of the fruits of progress to all, and a minimum living wage to all employed and in need of such protection;

(e) the effective recognition of the right of collective bargaining, the co-operation of management and labour in the continuous improvement of productive efficiency, and the collaboration of workers and employers in the preparation and application of social and economic measures;

(f) the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care;

(g) adequate protection for the life and health of workers in all occupations;

(h) provision for child welfare and maternity protection;

(i) the provision of adequate nutrition, housing and facilities for recreation and culture;

(j) the assurance of equality of

tion internationale du Travail de seconder la mise en œuvre, parmi les différentes nations du monde, de programmes propres à réaliser:

a) la plénitude de l'emploi et l'élévation des niveaux de vie;

b) l'emploi des travailleurs à des occupations où ils aient la satisfaction de donner toute la mesure de leur habileté et de leurs connaissances et de contribuer le mieux au bien-être commun;

c) pour atteindre ce but, la mise en œuvre, moyennant garanties adéquates pour tous les intéressés, de possibilités de formation et de moyens propres à faciliter les transferts de travailleurs, y compris les migrations de main d'œuvre et de colons;

d) la possibilité pour tous d'une participation équitable aux fruits du progrès en matière de salaires et de gains, de durée du travail et autres conditions de travail, et un salaire minimum vital pour tous ceux qui ont un emploi et ont besoin d'une telle protection;

e) reconnaissance effective du droit de négociation collective et la coopération des employeurs et de la main d'œuvre pour l'amélioration continue de l'organisation de la production, ainsi que la collaboration des travailleurs et des employeurs à l'élaboration et à l'application de la politique sociale et économique;

f) l'extension des mesures de sécurité sociale en vue d'assurer un revenu de base à tous ceux qui ont besoin d'une telle protection, ainsi que des soins médicaux complets;

g) une protection adéquate de la vie et de la santé des travailleurs dans toutes les occupations;

h) la protection de l'enfance et de la maternité;

i) un niveau adéquat d'alimentation, de logement, et de moyens de récréation et de culture;

j) la garantie de chances égales

educational and vocational opportunity.

IV. Confident that the fuller and broader utilisation of the world's productive resources necessary for the achievement of the objectives set forth in this Declaration can be secured by effective international and national action, including measures to expand production and consumption, to avoid severe economic fluctuations, to promote the economic and social advancement of the less developed regions of the world, to assure greater stability in world prices of primary products, and to promote a high and steady volume of international trade, the Conference pledges the full co-operation of the International Labour Organisation with such international bodies as may be entrusted with a share of the responsibility for this great task and for the promotion of the health, education and well-being of all peoples.

V. The Conference affirms that the principles set forth in this Declaration are fully applicable to all peoples everywhere and that, while the manner of their application must be determined with due regard to the stage of social and economic development reached by each people, their progressive application to peoples who are still dependent, as well as to those who have already achieved self-government, is a matter of concern to the whole civilised world.

The foregoing is the authentic text of the Declaration concerning the aims and purposes of the International Labour Organisation unanimously adopted by the General Conference of the International Labour Organisation at Philadelphia during its Twenty-sixth Session, on 10 May 1944.

dans le domaine éducatif et professionnel.

IV. Convaincue qu'une utilisation plus complète et plus large des ressources productives du monde, nécessaire à l'accomplissement des objectifs énumérés dans la présente Déclaration, peut être assurée par une action efficace sur le plan international et national, et notamment par des mesures tendant à promouvoir l'expansion de la production et de la consommation, à éviter des fluctuations économiques graves, à réaliser l'avancement économique et social des régions dont la mise en valeur est peu avancée, à assurer une plus grande stabilité des prix mondiaux des matières premières et denrées, et à promouvoir un commerce international de volume élevé et constant, la Conférence promet l'entière collaboration de l'Organisation internationale du Travail avec tous organismes internationaux auxquels pourra être confiée une part de responsabilité dans cette grande tâche, ainsi que dans l'amélioration de la santé, de l'éducation et du bien-être de tous les peuples.

V. La Conférence affirme que les principes énoncés dans la présente Déclaration sont pleinement applicables à tous les peuples du monde, et que, si, dans les modalités de leur application, il doit être dûment tenu compte du degré de développement social et économique de chaque peuple, leur application progressive aux peuples qui sont encore dépendants, aussi bien qu'à ceux qui ont atteint le stade où ils se gouvernent eux-mêmes, intéresse l'ensemble du monde civilisé.

Ce qui précède est le texte authentique de la Déclaration concernant les buts et objectifs de l'Organisation internationale du Travail, adoptée à l'unanimité par la Conférence internationale du Travail à Philadelphie au cours de sa vingt-sixième session, le 10 mai 1944.

IN FAITH WHEREOF we have appended our signatures, this seventeenth day of May 1944.

EN FOI DE QUOI ont apposé leurs signatures, ce dix-septième jour de mai 1944.

The President of the Conference, W. NASH.

The Acting Director of the International Labour Office, EDWARD J. PHELAN.

No. 634

AGREEMENT on the Continuance of Co-ordinated Control of Merchant Shipping. Signed at London, August 5, 1944.

ACCORD sur la continuation de la contrôle coordonnée de la marine marchande. Signé à Londres, 5 août 1944.

EDITOR'S NOTE. This Agreement, drafted at the Inter-Allied Shipping Conference held in London, July 19–August 5, 1944, became of more than temporary significance by reason of its influence on subsequent developments. The United Maritime Executive Board, referred to in paragraph 1(b) of the Annex, held its first session at Washington, November 20–24, 1944; at its fourth and final session in London, February 4–12, 1946, it recommended a transitional arrangement which was in force from March 3, 1946, to October 31, 1946. *U.S. Treaties and Other International Acts Series*, No. 1723. The United Maritime Consultative Council established under this arrangement was succeeded by a Provisional Maritime Consultative Council created by the agreement of October 30, 1946 (No. 634a, *post*). The United Nations Maritime Conference, held at Geneva, February 19–March 6, 1948, adopted a convention creating the Intergovernmental Maritime Consultative Organization. *Br. Parl. Papers*, Misc. No. 6 (1948), Cmd. 7412.

RATIFICATIONS. This Agreement was not subject to ratification. On March 2, 1946, it had been acceded to by Australia, Belgium, Brazil, Canada, Chile, Denmark, France, Great Britain, Greece, India, Netherlands, New Zealand, Norway, Poland, South Africa, Sweden, the United States of America, and Yugoslavia.

BIBLIOGRAPHY. The text of this Agreement was also published in *U.S. Treaties and Other International Acts Series*, No. 1722; Canada, *Treaty Series*, 1944, No. 28.

J. C. Maclay, "The General Shipping Situation," 22 *International Affairs* (1946), pp. 488–500; O. Mance and J. E. Wheeler, *International Sea Transport* (London, 1945), pp. 146–48; D. Marx, Jr., "International Organization of Shipping," 55 *Yale Law Journal* (1946), pp. 1214–32; C. Parry, "The United Maritime Authority," 23 *British Year Book of International Law* (1946), pp. 491–95.

Entered into force August 5, 1944.¹

Text from *Br. Parl. Papers*, Misc. No. 3 (1944), Cmd. 6556.

The undersigned representatives, duly authorised by their respective Governments or Authorities, hereinafter referred to as contracting Governments, have agreed as follows:

1. The contracting Governments

declare that they accept as a common responsibility the provision of shipping for all military and other tasks necessary for, and arising out of, the completion of the war in Europe and the Far East and for the sup-

¹ Terminated March 2, 1946.

plying of all the liberated areas as well as of the United Nations generally and territories under their authority.

2. The contracting Governments undertake to continue to maintain such powers of control over all ships which are registered in their territories or are otherwise under their authority as will enable them effectively to direct each ship's employment in accordance with the foregoing declaration. Subject to the provisions of paragraphs 3 and 9, this control shall continue to be exercised by each contracting Government through the mechanism of requisitioning for use or title.

3. The contracting Governments agree not to release from control any ships under their authority or permit them to be employed in any non-essential services or for any non-essential cargo unless the total overall tonnage is in excess of the total overall requirements, and then only in accordance with a mutually acceptable formula which shall not discriminate against the commercial shipping interests of any nation and shall extend to all contracting Governments an equitable opportunity for their respective tonnages to engage in commercial trades.

4. Neutral Governments having ships under their control in excess of the tonnage required to carry on their essential import requirements shall be invited to subscribe to obligations in respect of all their ships which shall ensure that their employment is in conformity with the general purposes of the United Nations.

5. The contracting Governments undertake to exercise control over the facilities for shipping available in their territories, by suitable measures on the lines of the United States and British Ship Warrant Schemes, and to take such other measures as may be necessary to secure that ships under all flags are used in conformity with the purposes of the United Nations. Other Governments acceding

hereto shall give a similar undertaking.

6. Without prejudice to questions of disposition or title, the employment of such ships as may at any time be permitted to operate under enemy flag or authority shall be determined to serve the requirements of the United Nations.

7.—(a) In order that the allocation of all ships under United Nations control may continue to be effectively determined to meet the requirements of the United Nations, a central authority shall be established, to come into operation upon the general suspension of hostilities with Germany. The central authority shall be organised in accordance with the plan agreed in the Annex.

(b) The central authority shall determine the employment of ships for the purpose of giving effect to the responsibilities assumed by each contracting Government in paragraph 1 to provide the tonnage required from time to time to meet current requirements for ships for the military and other purposes of the United Nations, and ships shall be allocated for those purposes by those Governments in accordance with the decisions of the central authority. So far as is consistent with the efficient overall use of shipping as determined by the central authority for those purposes, and with the provisions of paragraph 7 (c), each contracting Government may allocate ships under its own authority, wholly or partly to cover the essential import requirements of territories for which it has special shipping responsibilities.

(c) In general, ships under the flag of one of the contracting Governments shall be under the control of the Government of that flag, or the Government to which they have been chartered.

In order to meet the special case of military requirements those ships which have been taken up, under

agreements made by the United States Government and/or United Kingdom Government with the other Governments having authority for those ships, for use as troopships, hospital ships, and for other purposes in the service of the armed forces, shall remain on charter as at present to the War Shipping Administration and/or the Ministry of War Transport as the case may be, under arrangements to be agreed between the Governments severally concerned. (Any further ships required for such purposes shall be dealt with in a like manner.)

The fact that these ships are assigned to military requirements shall not prejudice the right of the Governments concerned to discuss with the central authority the measures to be taken to provide shipping for their essential requirements within the scope of paragraph 1.

(d) The contracting Governments shall supply to one another, through the central authority, all information necessary to the effective working of the arrangements, e.g., regarding programmes, employment of tonnage, and projected programmes, subject to the requirement of military secrecy.

(e) The central authority shall also initiate the action to be taken to give effect to paragraph 5 and shall direct action under paragraph 6.

(f) The terms of remuneration to be paid by the users (Government or private) of ships shall be determined by the central authority on a fair and reasonable basis in such manner as to give effect to the following two basic principles:

(i) Ships of all flags performing

the same or similar services should charge the same freights.

(ii) Ships must be employed as required without regard to financial considerations.

8. The principles herein agreed shall apply to all types of merchant ships, irrespective of size, including passenger ships, tankers and whale factories when not used for whaling (but paragraph 7 (b) will not be applicable to ships engaged in coastal trades and short trades between nearby countries, the arrangements for control of which shall be appropriate to meet the requirements prevailing in each particular area).

The principles shall also be applied to the extent necessary, through suitable machinery, to fishing vessels, whale catchers, and other similar craft in those areas where special measures in respect of such craft are agreed to be necessary. A special authority shall be set up capable of apportioning between naval and commercial services such craft as are available in those areas.

9. The foregoing principles shall take effect on the coming into operation of the central authority, and shall remain in effect for a period not extending beyond six months after the general suspension of hostilities in Europe or the Far East, whichever may be the later, unless it is unanimously agreed among the Governments represented on the duly authorised body of the central authority that any or all of the agreed principles may be terminated or modified earlier.

DONE in London on the 5th day of August, 1944.

[Signed:] For the Government of **Belgium**: A. BALTHAZAR; for the Government of **Canada**: VINCENT MASSEY, A. L. MACCALLUM; for the **Royal Hellenic Government**: G. VASSILIADIS; for the Government of the **Netherlands**: J. M. DE BOOY; for the Government of **Norway**: ARNE SUNDE; for the Government of the **Republic of Poland**: J. KWAPINSKI; for the Government of the **United Kingdom of Great Britain and Northern Ireland**: LEATHERS; for the Government of the **United States of America**: PHILIP D. REED, HUNTINGTON T. MORSE, WALTER A. RADIUS, JOHN M. ALLISON.

ANNEX

ORGANISATION OF THE CENTRAL
AUTHORITY

1. The central authority shall consist of—

(a) A Council (United Maritime Council).

(b) An Executive Board (United Maritime Executive Board).

(a) *The United Maritime Council*

2. Each contracting Government shall be represented on the Council. Membership of the Council shall also be open to all other Governments, whether of the United Nations or of neutral countries, which desire to accede and are prepared to accept the obligations of contracting Governments.

3. The Council shall meet when deemed necessary and at least twice a year at such places as may be convenient. Meetings shall be arranged by the Executive Board. The Council shall elect its own Chairman and determine its own procedure. The meetings of the Council are intended to provide the opportunity for informing the contracting Governments as to the overall shipping situation and to make possible the interchange of views between the contracting Governments on general questions of policy arising out of the working of the Executive Board.

(b) *The United Maritime Executive Board*

4. The Executive Board shall be established with Branches in Washington and London under War Shipping Administration and Ministry of War Transport chairmanship respectively.

5. The Executive Board shall exercise through its Branches the executive functions of the central authority. Appropriate machinery under the two Branches shall be established for the purpose of enabling them to discharge the functions described in paragraph 7 of the Agreement on Principles. Machinery to carry out the arrangements under paragraph 8 of that Agreement as regards ships engaged in coasting and short sea trades, and as regards small craft shall be set up under the Executive Board.

6. The division of day-to-day responsibility between the two Branches of the Executive Board shall be established as convenient from time to time. So that

the two Branches of the Executive Board may work in unison, meetings of the Executive Board as a whole shall be arranged at the instance of the two chairmen, as often as may be necessary, and at such place as may be convenient from time to time.

7. The membership of the Executive Board shall be restricted in numbers. By reason of their large experience in shipping normally engaged in international trade, and their large contribution of ships for the common purpose, the following Governments shall be represented on the Executive Board:

Government of the United Kingdom of Great Britain and Northern Ireland;

Government of the United States of America;

Government of the Netherlands;

Government of Norway.

It shall be open to the members of the Executive Board to recommend to contracting Governments additions to the membership of the Executive Board as circumstances may require in order to promote the effective working of the central authority.

8. Each contracting Government not represented on the Executive Board shall be represented by an associate member who shall be consulted by, and entitled to attend meetings of, the Executive Board or its Branches on matters affecting ships under the authority of that Government, or on matters affecting the supply of ships for the territories under the authority of that Government.

9. The Executive Board and its Branches shall proceed by agreement among the members. There shall be no voting.

10. The decisions of the Executive Board affecting the ships under the authority of any contracting Government shall be reached with the consent of that Government, acting through its representative on the Executive Board or through its associate member, as the case may be.

11. The Executive Board shall be the duly authorised body for the purpose of paragraph 9 of the Agreement on Principles, but it is understood that no decision reached under that paragraph by the Governments represented on the Executive Board shall impose any new or greater obligation on any other contracting Government without its express consent.

12. A Planning Committee shall be

set up to begin work in London as soon as possible after the signature of the Agreement on Principles for the purpose of working out on a basis satisfactory to the contracting Governments the details of the machinery required to enable the Executive Board to discharge its functions, including the functions under paragraph 7 (f). Any contracting Government may be represented on the Planning Committee.

13. The Executive Board shall have the full use of the machinery and procedure of the War Shipping Administration and Ministry of War Transport in order to avoid duplication.

14. The contracting Governments shall nominate their representatives on the Planning Committee to the Governments of the United States and the United Kingdom, as soon as practicable. They shall also so nominate their representatives as members or as associate members of the Executive Board as the case may be. The Governments of the United States and the United Kingdom shall be responsible, in consultation with the other contracting Governments concerned, for determining the date of coming into operation of the central authority in accordance with paragraph 7 (a) of the Agreement on Principles.

No. 634a

Agreement for the Establishment of a Provisional Maritime Consultative Council. Adopted at Washington, October 30, 1946.

Accord relatif à la création d'un Conseil consultatif provisoire de la navigation maritime. Adopté à Washington, 30 octobre 1946.

EDITOR'S NOTE. This Agreement was adopted at the second session of the United Maritime Consultative Council, established by an arrangement of February 12, 1946. *U.S. Treaties and Other International Acts Series*, No. 1723. The first meeting of the Provisional Council was held at Paris, May 16-19, 1947.

ACCEPTANCES. On January 1, 1948, this Agreement had been accepted by Australia, Belgium, Brazil, Canada, Chile, Denmark, Great Britain, Greece, India, Netherlands, New Zealand, Norway, Poland, and the United States of America.

BIBLIOGRAPHY. The text of the Agreement is also published in 11 *U.N. Treaty Series*, p. 107; *British Treaty Series*, No. 36 (1947), Cmd. 7137.

Entered into force April 23, 1947.¹

Text from *U.S. Treaties and Other International Acts Series*, No. 1724.

ARTICLE I.—*Scope and Purposes*

The Provisional Maritime Consultative Council shall be established as a temporary organization pending the establishment of a permanent inter-governmental agency in the maritime field.

i. to provide machinery for co-operation among Governments in the field of Governmental regulation

and practices relating to technical matters of all kinds affecting shipping engaged in international trade, and to encourage the general adoption of the highest practicable standards in matters concerning maritime safety and efficiency of navigation;

ii. to encourage the removal of all forms of discriminatory action and unnecessary restrictions by Govern-

¹ Registered with the Secretariat of the United Nations, No. 151, November 26, 1947.

ments affecting shipping engaged in international trade so as to promote the availability of shipping services to the commerce of the world without discrimination;

iii. to provide for the consideration by the Council of any shipping problems of an international character involving matters of general principle that may be referred to the Council by the United Nations. Matters which are suitable for settlement through the normal processes of international shipping business are not within the scope of the Council.

iv. to provide for the exchange of information among Governments on matters under consideration by the Council.

ARTICLE 2.—*Functions*

The functions of the Provisional Maritime Consultative Council, which shall be consultative and advisory, shall be

(a) To consider and make recommendations on any matter within its scope as set forth in Sections (i) and (ii) of Article 1.

(b) To consider and make recommendations on matters within its scope upon the request of any organ of the United Nations or other inter-governmental specialized agency.

(c) To advise on matters relating to the draft constitution for a permanent inter-governmental maritime organization.

ARTICLE 3.—*Membership*

Membership in the Council shall consist of those governments which notify the Government of the United Kingdom of their acceptance of this Agreement, being either governments members of the UMCC or governments members of the United Nations.

ARTICLE 4.—*Organization*

(1) The Council shall consist of all Member Governments.

(2) The Council may elect an Executive Committee consisting of twelve member governments which shall exercise such functions as may be delegated to it by the Council. The Executive Committee shall not be established by the Council until at least twenty governments have accepted this agreement.

(3) The Council shall at each session determine the host Government and the time for its next meeting. Upon the request of not less than four of the members the Chairman shall summon the Council for an earlier date. The Government of _____ shall convene the first meeting of the Council at any time after March 1, 1947.

(4) The host Government arranged for each session shall designate a Chairman who shall hold office until the host Government for the next following session has been decided, and shall provide the necessary secretariat for meetings held within its territory.

(5) Decisions of the Council shall be taken by a majority of those present and voting. Ten Members shall constitute a quorum. The Council shall otherwise determine its own rules of procedure.

ARTICLE 5.—*Entry into Force*

(1) This agreement shall remain open for acceptance in the archives of the Government of the United Kingdom and shall enter into force when twelve Governments, of which five shall each have a total tonnage of not less than 1,000,000 g. t. of shipping have accepted it.

(2) As soon as this agreement has come into force, a copy of the agreement together with the names of the Governments who have accepted it shall be sent by the Government of the United Kingdom to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.

ARTICLE 6.—Termination

This agreement shall cease to have effect upon the entry into force of a constitution for a permanent inter-government maritime organization

or if the membership falls below twelve. A member government may withdraw at any time upon six months notice to the Government of the United Kingdom.

No. 635

CONVENTION concerning a Régime of Customs Union. Signed at London, September 5, 1944.

CONVENTION concernant un régime de communauté douanière. Signée à Londres, 5 septembre 1944.

EDITOR'S NOTE. After the signature of this Convention, the signatories found it necessary to give precision to and to interpret its provisions by a protocol signed at The Hague on March 14, 1947, to which an amended text was annexed. The Customs Union thus established does not displace the economic union between Belgium and Luxemburg under the Brussels convention of July 25, 1921, and the amending agreements of February 2, 1931, and May 23, 1935. 9 *League of Nations Treaty Series*, p. 224; 134 *idem*, p. 394; 160 *idem*, p. 327. The three states also concluded a monetary agreement at London, October 21, 1943 (No. 627, *ante*).

RATIFICATIONS. The ratifications of this Convention, as amended, were exchanged at Brussels, October 29, 1947.

BIBLIOGRAPHY. The text of the Convention is published in the Netherlands *Staatsblad*, 1944, No. E77; 117 *Moniteur belge* (1947), No. 326, p. 10813; *Pasinomie*, 1947, p. 656.

Anon., "One Step Toward a Better Europe," 4 *News from Belgium* (1944), pp. 301-3; E. Hylkema, *Bénélux: Le chemin vers l'unité économique* (Paris, 1948), 206 pp.; R. Linssen, "L'Union douanière hollando-belgo-luxembourgeoise," 1 *Action fédéraliste européenne* (1946), No. 2, pp. 29-34.

Entered into force January 1, 1948.¹

[Original text not reproduced; for the amended text of 1947, see annex to No. 635a, *post.*]

No. 635a

Protocol concerning a Régime of Customs Union. Signed at The Hague, March 14, 1947.

Protocole concernant un régime de communauté douanière. Signé à La Haye, 14 mars 1947.

EDITOR'S NOTE. This Protocol supplements and modifies the convention of September 5, 1944 (No. 635, *ante*). It was accompanied by an exchange of notes with respect to joint meetings of the Presidents of the Councils established by that convention. Netherlands

¹ Entered into force provisionally in May 1945 (Article 9).

Staatsblad, 1947, No. H282, pp. 458-63. The tariff annexed to the convention has been modified by the protocol of December 22, 1947. Belgium, *Bulletin usuel des lois et arrêtés*, 1948, p. 557.

RATIFICATIONS. The ratifications of this Protocol were exchanged at Brussels, October 29, 1947.

BIBLIOGRAPHY. The text of the Protocol is also published in 117 *Moniteur belge* (1947), No. 326, p. 10813. See also 7 *Belgium* (1947), pp. 158, 386; 2 *Netherlands News Letter* (1947), No. 2, p. 18; 835 *France, Notes documentaires et études* (February 20, 1948), 80 pp.

Entered into force January 1, 1948

Text from Netherlands *Staatsblad*, 1947, No. H282.

Le Gouvernement de Sa Majesté la Reine des Pays-Bas, d'une part,

Les Gouvernements de Sa Majesté le Roi des Belges et de Son Altesse Royale la Grande Duchesse de Luxembourg, d'autre part,

reconnaissant la nécessité de préciser et d'interpréter certaines dispositions de la Convention qu'ils ont signée à Londres le 5 septembre 1944, ainsi que de compléter le tarif annexé à cette Convention et de lui donner une forme adaptée aux circonstances actuelles, ont décidé de conclure à cette fin un Protocole qui fait partie intégrante de la Convention. Dans cet esprit et à cet effet, ils ont arrêté les dispositions suivantes:

I) Le texte de la Convention signée à Londres le 5 septembre 1944 doit être précisé et interprété conformément au texte repris à l'annexe I ci-jointe.

II) Le tarif, précédé des dispositions préliminaires, repris à l'annexe II ci-jointe, constitue le tarif commun.

III) Le second alinéa des articles 1 et 2 de la Convention entend interdire—sauf convention spéciale entre les Parties—la perception, à l'importation, de droits ou taxes autres que ceux expressément désignés à la Convention ou existant au moment de la conclusion de la Convention, y compris les droits et taxes qui ont été suspendus pendant l'occupation par

l'ennemi du territoire des Parties Contractantes. Toutefois, les dispositions des articles 1 et 2 ne font pas obstacle à l'établissement de nouvelles rétributions (redevances pour prestations réellement fournies). Cependant, ces nouvelles mesures éventuelles n'entreront en vigueur qu'après consultation préalable du Conseil Administratif des Douanes.

IV) Il est entendu qu'un droit spécial, ayant le caractère d'un droit d'accise, pourra être perçu aux Pays-Bas à l'importation du café, du pétrole, de l'essence et de certains hydrocarbures de benzol. Toutefois, les régimes spéciaux dont il s'agit ne resteront en vigueur que jusqu'au moment où les deux Parties auront adopté un régime commun de droits d'accise.

V) Les deux Parties se réservent la faculté d'élargir les Conseils suivant les nécessités, étant entendu que les deux délégations seront toujours en nombre égal.

VI) Il est institué à Bruxelles un Secrétariat Général des Conseils de la Convention, dont le statut est établi par l'annexe III ci-jointe.

EN FOI DE QUOI, les Plénipotentiaires, munis des pouvoirs nécessaires à cet effet, ont signé le présent Protocole.

Fait à La Haye, le 14 mars 1947, en trois exemplaires en néerlandais et en français, les deux textes faisant également foi.

ANNEXE I

TEXTE DE LA CONVENTION DOUANIÈRE
NÉERLANDO-BELGO-LUXEMBOURGEOISE,
SIGNÉE À LONDRES LE 5 SEPTEMBRE
1944, PRÉCISÉ ET INTERPRÉTÉ CON-
FORMÉMENT AU PROTOCOLE SIGNÉ À
LA HAYE, LE 14 MARS 1947

Le Gouvernement de Sa Majesté la
Reine des Pays-Bas, d'une part,

Les Gouvernements de Sa Majesté le Roi
des Belges et de Son Altesse Royale la
Grande Duchesse de Luxembourg, d'autre
part,

désireux de créer au moment de la
libération des territoires des Pays-Bas et
de l'Union Economique belgo-luxembour-
geoise les conditions les plus propices à
la réalisation ultérieure d'une union
économique et à la restauration de l'ac-
tivité économique, ont décidé de pour-
suivre celles-ci sous un régime de com-
munauté douanière et ont convenu à cet
effet, des articles suivants:

Article 1. Les Pays-Bas et l'Union
Economique belgo-luxembourgeoise ap-
pliqueront, à l'entrée des marchandises,
des droits de douane identiques suivant le
tarif ci-annexé qui fait partie intégrante
du présent accord.

En dehors des droits prévus par ce tarif,
ils pourront percevoir à l'importation des
droits d'accise—y compris des droits
d'entrée équivalents aux droits d'accise—
ainsi que toutes autres taxes, suivant le
régime en vigueur sur leur territoire res-
pectif; ils se réservent le droit d'en
modifier le taux.

Art. 2. Il n'y aura aucune perception
de droits de douane à l'entrée des mar-
chandises de l'Union Economique belgo-
luxembourgeoise dans les Pays-Bas et
réciproquement à l'entrée des marchan-
dises des Pays-Bas dans l'Union Econo-
mique belgo-luxembourgeoise.

Les Pays-Bas et l'Union Economique
belgo-luxembourgeoise pourront perce-
voir, à l'importation, des droits d'accise—
y compris des droits d'entrée équivalents
aux droits d'accise—ainsi que toutes
autres taxes, suivant le régime en vigueur
sur leur territoire respectif; ils se réservent
le droit d'en modifier le taux.

Art. 3. Il sera formé un Conseil Ad-
ministratif des Douanes composé de trois
délégués des Pays-Bas et de trois délé-
gués de l'Union Economique belgo-lux-
embourgeoise. La présidence du Conseil

Administratif des Douanes sera exercée à
tour de rôle par le principal délégué des
Pays-Bas et le principal délégué de
l'Union Economique belgo-luxembour-
geoise.

Le Conseil Administratif des Douanes
aura à proposer les mesures propres à
assurer l'unification des dispositions légis-
latives et réglementaires régissant la per-
ception des droits d'entrée et des droits
d'accise dans les Pays-Bas et l'Union
Economique belgo-luxembourgeoise et
l'adaptation de celles-ci aux dispositions
du présent accord, ceci sans préjudice aux
dispositions préliminaires du tarif ci-
annexé.

Art. 4. Le Conseil Administratif des
Douanes sera assisté d'une Commission
des litiges douaniers composée de deux
délégués des Pays-Bas et de deux délé-
gués de l'Union Economique belgo-luxem-
bourgeoise.

La Commission des litiges douaniers,
lorsqu'elle en est saisie par les Ministres
compétents, statue sur les différends
dérivant de l'application des dispositions
légalles et réglementaires résultant du pré-
sent accord.

La Commission communiquera ses dé-
cisions aux Ministres compétents qui,
chacun dans les limites de sa compétence,
en assureront l'exécution.

Art. 5. Il sera constitué un Conseil de
l'Union Economique composé de trois
délégués des Pays-Bas et de trois délégués
de l'Union Economique belgo-luxembour-
geoise. La présidence du Conseil de
l'Union Economique sera exercée à tour de
rôle par le principal délégué des Pays-Bas
et le principal délégué de l'Union Eco-
nomique belgo-luxembourgeoise.

Le Conseil de l'Union Economique
aura pour mission:

a) de donner son avis aux autorités
compétentes des Pays-Bas et de l'Union
Economique belgo-luxembourgeoise sur
toutes les mesures que les Pays-Bas et
l'Union Economique belgo-luxembour-
geoise se proposeraient de prendre en vue
de réglementer, avec ou sans droits et
taxes accessoires, les importations, les
exportations et le transit, notamment par
l'institution de restrictions d'ordre éco-
nomique, de licences, de contingents ou de
droits spéciaux de licences et taxes d'ad-
ministration;

b) de coordonner les mesures ci-dessus
visées en vue de réaliser autant que possi-
ble un régime commun aux Pays-Bas et à

l'Union Economique belgo-luxembourgeoise;

c) d'assurer l'administration des contingents d'importation, d'exportation et de transit qui seraient communs aux Pays-Bas et à l'Union Economique belgo-luxembourgeoise;

d) de donner son avis aux autorités compétentes des Pays-Bas et de l'Union Economique belgo-luxembourgeoise sur toutes les mesures concernant les primes ou subventions à la production que les Parties Contractantes se proposeraient de prendre.

Art. 6. Il sera constitué un Conseil des Accords Commerciaux composé de trois délégués des Pays-Bas et de trois délégués de l'Union Economique belgo-luxembourgeoise. La présidence du Conseil des Accords Commerciaux sera exercée à tour de rôle par le principal délégué des Pays-Bas et le principal délégué de l'Union Economique belgo-luxembourgeoise.

Le Conseil des Accords Commerciaux assurera autant que possible la coordination des dispositions relatives aux relations conventionnelles avec les Etats tiers.

Art. 7. Les mesures communes visées aux articles 3, 5 et 6 de cet accord seront arrêtées par les Ministres compétents siégeant d'une part pour les Pays-Bas et d'autre part pour l'Union Economique belgo-luxembourgeoise. Elles seront soumises par eux à l'approbation des instances gouvernementales ou législatives compétentes.

Art. 8. La présente Convention sera ratifiée; elle entrera en vigueur le premier du troisième mois suivant l'échange des ratifications.

Il pourra y être mis fin à tout moment moyennant un préavis d'un an.

Elle cessera en tout cas ses effets lors de l'entrée en vigueur de l'union économique à longue échéance que les Parties Contractantes se proposent de conclure.

Art. 9. En attendant l'échange des ratifications, la Convention sortira provisoirement ses effets dès la réinstallation des Gouvernements néerlandais et belge dans leur territoire; chacun de ceux-ci aura toutefois la faculté d'y mettre fin à tout moment moyennant un préavis de six mois.

EN FOI DE QUOI, les Plénipotentiaires, munis des pouvoirs nécessaires à cet effet, ont signé la présente Convention et l'ont revêtue de leurs cachets.

ANNEXE II

TARIF DES DROITS D'ENTRÉE

[Text omitted; see Netherlands *Staatsblad*, 1947, No. H282, pp. 19-453.]

ANNEXE III

STATUT DU SECRÉTARIAT GÉNÉRAL DES CONSEILS DE LA CONVENTION DOUANIÈRE NÉERLANDO-BELGO-LUXEMBOURGEOISE

1. Il est institué à Bruxelles, un Secrétariat Général des Conseils de la Convention douanière néerlando-belgo-luxembourgeoise.

2. Le Secrétariat Général relève, en ce qui concerne l'exécution de ses attributions, des Présidents des Conseils.

3. Le Secrétariat Général assure le secrétariat des trois Conseils établis par la Convention. Il est chargé de coordonner, dans le domaine administratif, l'activité de ces Conseils, d'établir, le cas échéant, les liaisons nécessaires entre les administrations intéressées et, d'une manière générale, de faire toutes propositions ou suggestions utiles au bon fonctionnement de la Convention. De plus, il exécute les directives qui lui sont données par les Présidents des Conseils.

4. La direction du Secrétariat Général est confiée à un Secrétaire Général, de nationalité néerlandaise, qui est aidé dans l'exécution de ses fonctions par un Secrétaire Général adjoint de nationalité belge et un Secrétaire de nationalité luxembourgeoise.

Le Secrétaire Général, le Secrétaire Général adjoint et le Secrétaire sont nommés et révoqués, sur proposition des Présidents des Conseils, par les trois Gouvernements intéressés.

5. Les Pays-Bas et l'Union Economique belgo-luxembourgeoise contribuent chacun pour la moitié aux frais du Secrétariat Général.

6. Le Secrétariat Général élabore le projet de budget annuel et le soumet à l'approbation des Présidents des Conseils, qui en contrôlent l'exécution et arrêtent les comptes. Sur la proposition des Présidents des Conseils, le Ministre des Finances de Belgique accorde les avances nécessaires au bon fonctionnement du Secrétariat Général.

7. Le Secrétaire Général nomme et

révoque les membres du personnel du Secrétariat Général. Ces nominations s'effectuent conformément à un cadre et à des barèmes déterminés par les Présidents des Conseils. Les membres du personnel doivent être de nationalité néerlandaise, belge ou luxembourgeoise.

8. Les archives du Secrétariat Général sont inviolables.

9. Le Secrétaire Général jouit en Belgique des privilèges et immunités analogues à ceux accordés à un chef de mission diplomatique régulièrement accrédité dans ce pays.

No. 636

ARMISTICE Agreement with Rumania. Signed at Moscow, September 12, 1944.

ACCORD concernant l'armistice avec la Roumanie. Signé à Moscou, 12 septembre 1944.

EDITOR'S NOTE. This is one of the instruments which ended the hostilities in World War II. For other armistice instruments of the period, see No. 625, *ante*; Nos. 637, 638, 645, 651, and 661, *post*. Rumania entered the war on the side of the Axis in 1941. By an agreement between Rumania and the Soviet Union of September 12, 1945, restitutions under the Armistice Agreement were reduced by one third; and deliveries of goods, from fifty to seventy-five per cent. The treaty of peace with Rumania, signed at Paris, February 10, 1947, came into force on September 15, 1947. *U.S. Treaties and Other International Acts Series*, No. 1649. A treaty of friendship, cooperation, and mutual assistance was signed by Rumania and the Soviet Union at Moscow, February 18, 1948. 1 U.S. Department of State, *Documents and State Papers* (1948), p. 235.

RATIFICATIONS. This Agreement was not subject to ratification.

BIBLIOGRAPHY. The text of this Agreement is also published in *Br. Parl. Papers*, Misc. No. 1(1945), Cmd. 6585; Canada, *Treaty Series*, 1944, No. 40; 2 *Soviet Foreign Policy during the Patriotic War: Documents and Materials* (London, 1947), p. 123; 39 *Am. Jour. Int. Law* (Supp., 1945), pp. 88-93. For a Spanish translation, see 4 *Revista peruana de derecho internacional* (1944), p. 284.

Anon., "Armisticio concertado por Rumania y las tres potencias de las Naciones Unidas," 7 *Revista argentina de derecho internacional* (2d ser., 1944), pp. 323-24; C. M. C., "Rumania and the War," 21 *Bulletin of International News* (1944), pp. 3-11, 43-54; M. W. Graham, "Armistices—1944 Style," 39 *Am. Jour. Int. Law* (1945), pp. 286-95; ———, "The Legal Status of the Bukovina and Bessarabia," 38 *idem* (1944), pp. 667-73; V. V. Tilea, "The Roumanian Armistice," 166 *Contemporary Review* (1944), pp. 205-9; F. A. Voigt, "The End of Rumanian Independence," 138 *Nineteenth Century* (1945), pp. 84-91.

Entered into force September 12, 1944.

Text from *U.S. Executive Agreement Series*, No. 490.

The Government and High Command of Rumania, recognizing the fact of the defeat of Rumania in the war against the Union of Soviet Socialist Republics, the United States of America, and the United Kingdom, and the other United Nations,

accept the armistice terms presented by the Governments of the above-mentioned three Allied Powers, acting in the interests of all the United Nations.

On the basis of the foregoing the representative of the Allied (Soviet)

High Command, Marshal of the Soviet Union, R. Ya. Malinovski, duly authorized thereto by the Governments of the United States of America, the Soviet Union, and the United Kingdom, acting in the interests of all the United Nations, on the one hand, and the representatives of the Government and High Command of Rumania, Minister of State and Minister of Justice L. Patrascanu, Deputy Minister of Internal Affairs, Adjutant of His Majesty the King of Rumania, General D. Damaceanu, Prince Stirbey, and Mr. G. Popp, on the other hand, holding proper full-powers, have signed the following conditions:

1. As from August 24, 1944, at 4 a. m., Rumania has entirely discontinued military operations against the Union of Soviet Socialist Republics on all theatres of war, has withdrawn from the war against the United Nations, has broken off relations with Germany and her satellites, has entered the war and will wage war on the side of the Allied Powers against Germany and Hungary for the purpose of restoring Rumanian independence and sovereignty, for which purpose she provides not less than 12 infantry divisions with Corps Troops.

Military operations on the part of Rumanian armed forces, including Naval and Air Forces, against Germany and Hungary will be conducted under the general leadership of the Allied (Soviet) High Command.

2. The Government and High Command of Rumania undertake to take steps for the disarming and internment of the armed forces of Germany and Hungary on Rumanian territory and also for the internment of the citizens of both states mentioned who reside there. (See Annex to Article 2.)

3. The Government and High Command of Rumania will ensure to the Soviet and other Allied forces facilities for free movement on Ru-

manian territory in any direction if required by the military situation, the Rumanian Government and High Command of Rumania giving such movement every possible assistance with their own means of communications and at their own expense on land, on water and in the air. (See Annex to Article 3.)

4. The State frontier between the Union of Soviet Socialist Republics and Rumania, established by the Soviet-Rumanian Agreement of 28th June, 1940, is restored.

5. The Government and High Command of Rumania will immediately hand over all Soviet and Allied prisoners of war in their hands, as well as interned citizens and citizens forcibly removed to Rumania, to the Allied (Soviet) High Command for the return of these persons to their own country.

From the moment of the signing of the present terms and until repatriation the Rumanian Government and High Command undertake to provide at their own expense all Soviet and Allied prisoners of war, as well as forcibly removed and interned citizens, and displaced persons and refugees, with adequate food, clothing and medical service, in accordance with hygienic requirements, as well as with means of transport for the return of all these persons to their own country.

6. The Rumanian Government will immediately set free, irrespective of citizenship and nationality, all persons held in confinement on account of their activities in favor of the United Nations or because of their sympathies with the cause of the United Nations, or because of their racial origin, and will repeal all discriminatory legislation and restrictions imposed thereunder.

7. The Rumanian Government and High Command undertake to hand over as trophies into the hands of the Allied (Soviet) High Command all war material of Germany

and her satellites located on Rumanian territory, including vessels of the fleet of Germany and her satellites located in Rumanian waters.

8. The Rumanian Government and High Command undertake not to permit the export or expropriation of any form of property (including valuables and currency) belonging to Germany, Hungary or to their nationals or to persons resident in their territories or in the territories occupied by them without the permission of the Allied (Soviet) High Command. They will keep this property in such manner as may be prescribed by the Allied (Soviet) High Command.

9. The Rumanian Government and High Command undertake to hand over to the Allied (Soviet) High Command all vessels belonging or having belonged to the United Nations which are located in Rumanian ports, no matter at whose disposal these vessels may be, for the use of the Allied (Soviet) High Command during the period of the war against Germany and Hungary in the general interests of the Allies, these vessels subsequently to be returned to their owners.

The Rumanian Government bear the full material responsibility for any damage or destruction of the aforementioned property until the moment of the transfer of this property to the Allied (Soviet) High Command.

10. The Rumanian Government must make regular payments in Rumanian currency required by the Allied (Soviet) High Command for the fulfillment of its functions and will in case of need ensure the use on Rumanian territory of industrial and transportation enterprises, means of communication, power stations, enterprises and installations of public utility, stores of fuel, fuel oil, food and other materials, services in accordance with instructions issued by the Allied (Soviet) High Command.

Rumanian merchant vessels, whether in Rumanian or foreign

waters, shall be subject to the operational control of the Allied (Soviet) High Command for use in the general interest of the Allies. (See Annex to Article 10.)

11. Losses caused to the Soviet Union by military operations and by the occupation by Rumania of Soviet territory will be made good by Rumania to the Soviet Union, but, taking into consideration that Rumania has not only withdrawn from the war, but has declared war and in fact is waging war against Germany and Hungary, the Parties agree that compensation for the indicated losses will be made by Rumania not in full but only in part, namely to the amount of 300 million United States dollars payable over six years in commodities (oil-products, grain, timber products, seagoing and river craft, sundry machinery, *et cetera*).

Compensation will be paid by Rumania for losses caused to the property of other Allied States and their nationals in Rumania during the war, the amount of compensation to be fixed at a later date. (See Annex to Article 11.)

12. The Rumanian Government undertakes within the periods indicated by the Allied (Soviet) High Command to return to the Soviet Union in complete good order all valuables and materials removed from its territory during the war, belonging to State, public and co-operative organizations, enterprises, institutions or individual citizens, such as: factory and works equipment, locomotives, railway trucks, tractors, motor vehicles, historic monuments, museum valuables and any other property.

13. The Rumanian Government undertakes to restore all legal rights and interests of the United Nations and their nationals on Rumanian territory as they existed before the war and to return their property in complete good order.

14. The Rumanian Government

and High Command undertake to collaborate with the Allied (Soviet) High Command in the apprehension and trial of persons accused of war crimes.

15. The Rumanian Government undertakes immediately to dissolve all pro-Hitler organizations (of a Fascist type) situated in Rumanian territory, whether political, military or para-military, as well as other organizations conducting propaganda hostile to the United Nations, in particular to the Soviet Union, and will not in future permit the existence of organizations of that nature.

16. The printing, importation and distribution in Rumania of periodical and non-periodical literature, the presentation of theatrical performances and films, the work of wireless stations, post, telegraph and telephone shall be carried out in agreement with the Allied (Soviet) High Command. (See Annex to Article 16.)

17. Rumanian civil administration is restored in the whole area of Rumania separated by not less than 50-100 kilometres (depending upon conditions of terrain) from the front line, Rumanian administrative bodies undertaking to carry out, in the interests of the reestablishment of

peace and security, instructions and orders of the Allied (Soviet) High Command issued by them for the purpose of securing the execution of these armistice terms.

18. An Allied Control Commission will be established which will undertake until the conclusion of peace the regulation of and control over the execution of the present terms under the general direction and orders of the Allied (Soviet) High Command, acting on behalf of the Allied Powers. (See Annex to Article 18.)

19. The Allied Governments regard the decision of the Vienna Award regarding Transylvania as null and void and are agreed that Transylvania (or the greater part thereof) should be returned to Rumania, subject to confirmation at the peace settlement, and the Soviet Government agrees that Soviet forces shall take part for this purpose in joint military operations with Rumania against Germany and Hungary.

20. The present terms come into force at the moment of their signing.

DONE in Moscow, in four copies, each in the Russian, English and Rumanian languages, the Russian and English texts being authentic.

September 12, 1944.

[Signed:] By authority of the Governments of the **United States of America**, the **Union of Soviet Socialist Republics** and the **United Kingdom**, **MALINOVSKI**; by authority of the Government and High Command of **Rumania**, **LCRETIU PATRASCANU**, **GL. ADJ. DAMACEANU**, **B. STIRBEY**, **GH. POPP**.

ANNEX

TO THE ARMISTICE AGREEMENT BETWEEN
THE GOVERNMENTS OF THE UNITED
STATES OF AMERICA, THE SOVIET
UNION, AND THE UNITED KINGDOM ON
THE ONE HAND AND THE GOVERNMENT
OF RUMANIA ON THE OTHER HAND

A.—Annex to Article 2

The measures provided for in Article 2 of the Agreement regarding the internment of citizens of Germany and Hungary now

in Rumanian territory do not extend to citizens of those countries of Jewish origin.

B.—Annex to Article 3

Under cooperation of the Rumanian Government and High Command of Rumania, mentioned in Article 3 of the Agreement, is understood the placing at the disposal of the Allied (Soviet) High Command for use at its discretion during the Armistice all Rumanian military, air and naval constructions and installations, ports, harbors, barracks, warehouses, air-

fields, means of communication, meteorological stations which might be required for military needs in complete good order and with the personnel required for their maintenance.

C.—Annex to Article 10

The Rumanian Government will withdraw and redeem within such time limits and on such terms as the Allied (Soviet) High Command may specify, all holdings in Rumanian territory of currencies issued by the Allied (Soviet) High Command, and will hand over currency so withdrawn free of cost to the Allied (Soviet) High Command.

D.—Annex to Article 11

The basis for settlements of payment of compensation provided for in Article 11 of the present Agreement will be the American dollar at its gold parity on the day of signing of the Agreement, i.e. 35 dollars for 1 ounce of gold.

E.—Annex to Article 16

The Rumanian Government undertakes that wireless communication, tele-

graphic and postal correspondence, correspondence in cypher and courier correspondence, as well as telephonic communication with foreign countries of Embassies, Legations and Consulates situated in Rumania, will be conducted in the manner laid down by the Allied (Soviet) High Command.

F.—Annex to Article 18

Control over the exact execution of the Armistice terms is entrusted to the Allied Control Commission to be established in conformity with Article 18 of the Armistice Agreement.

The Rumanian Government and their organs shall fulfill all instructions of the Allied Control Commission arising out of the Armistice Agreement.

The Allied Control Commission will set up special organs or sections entrusting them respectively with the execution of various functions. In addition, the Allied Control Commission may have its officers in various parts of Rumania.

The Allied Control Commission will have its seat in the city of Bucharest.

Moscow: September 12, 1944.

No. 636a

Protocol to the Armistice Agreement with Rumania. Signed at Moscow, September 12, 1944.

Protocole à l'Accord concernant l'armistice avec la Roumanie. Signé à Moscou, 12 septembre 1944.

BIBLIOGRAPHY. The text of this Protocol is also published in *Br. Parl. Papers*, Misc. No. 1(1945), Cmd. 6585, p. 6.

Entered into force September 12, 1944.

Text from *U.S. Executive Agreement Series*, No. 490, p. 15.

On the occasion of the signing of an armistice with the Government of Roumania, the Allied Governments signatory thereto are agreed;

1. Paragraph 1 of Article 5 of the Armistice Agreement defines the obligations undertaken by the Roumanian Government in regard to the surrender to the Allied authorities of

Allied prisoners of war and Allied citizens interned in or forcibly removed to Roumania. Each Allied Government shall decide which of its nationals shall or shall not be repatriated.

2. That the term "war material" used in Article 7 shall be deemed to include all material or equipment

belonging to, used by, or intended for use by, enemy military or para-military formations or members thereof.

3. That the use by the Allied (Soviet) High Command of Allied vessels handed back by the Government of Roumania in accordance with Article 9 of the armistice and the date of their return to their own-

ers will be matters for discussion and settlement between the Allied Governments concerned and the Government of the Soviet Union.

DONE in Moscow in three copies, each in the English and Russian languages, both English and Russian texts being authentic.

12th September, 1944.

[Signed:] By authority of the Government of the **United States of America**, W. A. HARRIMAN; by authority of the Government of the **Union of Soviet Socialist Republics**, A. VYSHINSKY; by authority of the Government of the **United Kingdom**, ARCHIBALD CLARK KERR.

No. 637

ARMISTICE Agreement with Finland. Signed at Moscow, September 19, 1944.

ACCORD concernant l'armistice avec la Finlande. Signé à Moscou, 19 septembre 1944.

EDITOR'S NOTE. This is one of the series of instruments which ended the hostilities in World War II. For other armistice instruments of the period, see Nos. 625, 636, *ante*; Nos. 638, 645, 651, and 661, *post*. At the time of the armistice, Finland was at war with Australia, Canada, Czechoslovakia, Great Britain, India, New Zealand, South Africa, and the Soviet Union. For the text of the treaty of peace between Finland and the Soviet Union signed at Moscow, March 12, 1940, the effect of which is restored by Article 6 of this Agreement, see 2 *U.S. Department of State Bulletin* (1940), p. 453; *The Finnish Blue Book* (Philadelphia, 1940), pp. 115-20. For the text of the Aaland Islands agreement of October 11, 1940, the effect of which was restored by Article 9 of this Agreement, see *Finland Reveals Her Secret Documents on Soviet Policy, March 1940-June 1941* (New York, 1941), p. 65; *Finlands Författningssamlings, Fördragsserie*, 1940, No. 24. The agreement concerning reparations provided for in Annex H was concluded by Finland and the Soviet Union on December 17, 1944. 2 *Soviet Foreign Policy during the Patriotic War: Documents and Materials* (London, 1947), p. 192. The treaty of peace with Finland, signed at Paris, February 10, 1947, came into force on September 15, 1947. *British Treaty Series*, No. 53 (1948), Cmd. 7484. A treaty of friendship, cooperation, and mutual assistance between Finland and the Soviet Union was signed at Moscow, April 6, 1948. 1 *U.S. Department of State, Documents and State Papers* (1948), p. 237.

RATIFICATIONS. This Agreement was not subject to ratification.

BIBLIOGRAPHY. The text of this Agreement is also published in 12 *U.S. Department of State Bulletin* (1945), pp. 261-67; *Finlands Författningssamlings, Fördragsserie, Överenskommelser med Främmande Makter*, 1944, No. 4, pp. 8-22; 2 *Soviet Foreign Policy during the Patriotic War: Documents and Materials* (London, 1947), p. 128; Canada, *Treaty Series*, 1944, No. 38; 39 *Am. Jour. Int. Law* (Supp., 1945), p. 85; 15 *Acta Scandinavica Juris Gentium* (1944), p. 81.

Anon., "Armisticio concertado por Finlandia y las tres potencias de las Naciones Unidas," 7 *Revista argentina de derecho internacional* (2d ser., 1944), pp. 325-26; E. Dancy, "Finland

Takes Stock," 24 *Foreign Affairs* (1946), pp. 513-25; M. W. Graham, "Armistices—1944 Style," 39 *Am. Jour. Int. Law* (1945), pp. 286-95; J. H. Jackson, "Russian Control in Finland," 170 *Contemporary Review* (1946), pp. 69-72; D. E. P., "Finland since the Moscow Treaty," 21 *Bulletin of International News* (1944), pp. 507-12; 543-49; J. H. Wuorinen, ed., *Finland and World War II, 1939-1944* (New York, 1948), 228 pp.

Entered into force September 19, 1944.

Text from *Br. Parl. Papers*, Misc. No. 2 (1945), Cmd. 6586.

Whereas the Finnish Government has accepted the preliminary condition of the Soviet Government regarding a break with Germany and the removal of German troops from Finland, and whereas the conclusion of a future treaty of peace will be facilitated by the inclusion in an Armistice Agreement of certain conditions of this peace treaty, His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland and the Government of the Union of Soviet Socialist Republics, acting on behalf of all the United Nations at war with Finland, on the one hand, and the Government of Finland, on the other hand, have decided to conclude the present agreement for an armistice, the execution of which will be controlled by the Soviet High Command similarly acting on behalf of the United Nations at war with Finland, hereinafter named the Allied (Soviet) High Command.

On the basis of the foregoing the representative of the Allied (Soviet) High Command, Colonel-General A. A. Zhdanov, and the representatives of the Government of Finland, Mr. Carl Enckell, Minister for Foreign Affairs, General Rudolf Walden, Minister of Defence, General Erik Heinrichs, Chief of General Staff, and Lieutenant-General Oscar Enckell, duly authorised thereto, have signed the following conditions:

Article 1. In connexion with the cessation of military activities on the part of Finland on the 4th September, 1944, and on the part of the Soviet Union on the 5th September,

1944, Finland undertakes to withdraw her troops behind the line of the Soviet-Finnish frontier of 1940 in accordance with the procedure laid down in the Annex attached to the present Agreement. (See Annex to Article 1.)

Art. 2. Finland undertakes to disarm the German land, naval and air armed forces which have remained in Finland since the 15th September, 1944, and to hand over their personnel to the Allied (Soviet) High Command as prisoners of war, in which task the Soviet Government will assist the Finnish army.

The Finnish Government also accepts the obligation to intern German and Hungarian nationals in Finnish territory. (See Annex to Article 2.)

Art. 3. Finland undertakes to make available at the request of the Allied (Soviet) High Command the aerodromes on the southern and south-western coast of Finland with all equipment to serve as bases for Soviet aircraft during the period necessary for air operations against German forces in Estonia and against the German navy in the northern part of the Baltic Sea. (See Annex to Article 3.)

Art. 4. Finland undertakes to place her army on a peace footing within two and a half months from the day of signing of the present Agreement. (See Annex to Article 4.)

Art. 5. Finland, having broken off all relations with Germany, also undertakes to break off all relations with Germany's satellite States. (See Annex to Article 5.)

Art. 6. The effect of the Peace Treaty between the Soviet Union and Finland, concluded in Moscow on the 12th March, 1940, is restored subject to the changes which follow from the present Agreement.

Art. 7. Finland returns to the Soviet Union the *oblast* of Petsamo (Pechenga), voluntarily ceded to Finland by the Soviet State in accordance with the Peace Treaties of the 14th October, 1920, and the 12th March, 1940, within the boundary indicated in the Annex and on the map¹ attached to the present Agreement. (See Annex to Article 7 and map to scale 1:500,000.)

Art. 8. The Soviet Union renounces its rights to the lease of the Peninsula of Hangö, accorded to it by the Soviet-Finnish Peace Treaty of the 12th March, 1940, and Finland for her part undertakes to make available to the Soviet Union on lease territory and waters for the establishment of a Soviet naval base in the area of Porkkala-Udd.

The boundaries of the land and water area of the base at Porkkala-Udd are defined in the Annex to the present article and indicated on the map.¹ (See Annex to Article 8 and map to scale 1:100,000.)

Art. 9. The effect of the Agreement concerning the Åland Islands, concluded between the Soviet Union and Finland on the 11th October, 1940, is completely restored.

Art. 10. Finland undertakes immediately to transfer to the Allied (Soviet) High Command to be returned to their homeland all Soviet and Allied prisoners of war now in her power and also Soviet and Allied nationals who have been interned in or deported by force to Finland.

From the moment of the signing of the present Agreement and up to the time of repatriation Finland undertakes to provide at her cost for all Soviet and Allied prisoners of war

and also nationals who have been deported by force or interned adequate food, clothing and medical service in accordance with hygienic requirements, and also with means of transport for their return to their homeland.

At the same time Finnish prisoners of war and interned persons now located on the territory of Allied States will be transferred to Finland.

Art. 11. Losses caused by Finland to the Soviet Union by military operations and the occupation of Soviet territory will be indemnified by Finland to the Soviet Union to the amount of three hundred million dollars payable over six years in commodities (timber products, paper, cellulose, seagoing and river craft, sundry machinery).

Provision will also be made for the indemnification in the future by Finland of the losses caused during the war to the property of the other Allied States and their nationals in Finland, the amount of the compensation to be fixed separately. (See Annex to Article 11.)

Art. 12. Finland undertakes to restore all legal rights and interests of the United Nations and their nationals located on Finnish territory as they existed before the war and to return their property in complete good order.

Art. 13. Finland undertakes to collaborate with the Allied Powers in the apprehension of persons accused of war crimes and in their trial.

Art. 14. Finland undertakes within the periods fixed by the Allied (Soviet) High Command to return to the Soviet Union in complete good order all valuables and materials removed from Soviet territory to Finland during the war belonging to State, public and co-operative organisations, factories, institutions or individual citizens, such as: equip-

¹ Not reproduced.

ment for factories and works, locomotives, railway carriages, ships, tractors, motor vehicles, historical monuments, valuables from museums and all other property.

Art. 15. Finland undertakes to transfer as booty to the disposition of the Allied (Soviet) High Command all war material of Germany and her satellites located on Finnish territory, including naval and other ships belonging to these countries in Finnish waters.

Art. 16. Finland undertakes not to permit the export or expropriation of any form of property (including valuables and currency) belonging to Germany or Hungary or to their nationals or to persons resident in their territories or in the territories occupied by them without the permission of the Allied (Soviet) High Command.

Art. 17. Finnish merchant ships other than those already under Allied control shall be placed under the control of the Allied (Soviet) High Command for their use in the general interests of the Allies.

Art. 18. Finland undertakes to transfer to the Allied (Soviet) High Command all ships in Finnish ports belonging to the United Nations, no matter at whose disposal these vessels may be, for the use of the Allied (Soviet) High Command for the duration of the war against Germany in the general interests of the Allies, these vessels subsequently to be returned to their owners.

Art. 19. Finland will make available such materials and products as may be required by the United Nations for purposes connected with the war.

Art. 20. Finland undertakes immediately to release all persons, irrespective of citizenship or national-

ity, held in prison on account of their activities in favour of the United Nations or because of their sympathies with the cause of the United Nations, or in view of their racial origin, and will also remove all discriminatory legislation and disabilities arising therefrom.

Art. 21. Finland undertakes immediately to dissolve all pro-Hitler organisations (of a Fascist type) situated on Finnish territory, whether political, military or para-military, as well as other organisations conducting propaganda hostile to the United Nations, in particular to the Soviet Union, and will not in future permit the existence of organisations of that nature.

Art. 22. An Allied Control Commission will be established which until the conclusion of peace with Finland will undertake the regulation and control of the execution of the present Agreement under the general direction and instructions of the Allied (Soviet) High Command, acting on behalf of the Allied Powers. (See Annex to Article 22.)

Art. 23. The present Agreement comes into force as from the moment of signature.

DONE in Moscow the nineteenth day of September, 1944, in one copy which will be entrusted to the safe-keeping of the Government of the Union of Soviet Socialist Republics, in the Russian, English and Finnish languages, the Russian and English texts being authentic.

Certified copies of the present Agreement, with Annexes and maps, will be transmitted by the Government of the Union of Soviet Socialist Republics to each of the other Governments on whose behalf the present Agreement is being signed.

[Signed:] For the Governments of the **Union of Soviet Socialist Republics** and the **United Kingdom**: A. ZHDANOV; for the Government of **Finland**: C. ENCKELL, R. WALDEN, E. HEINRICHS, O. ENCKELL.

ANNEXES

TO THE ARMISTICE AGREEMENT BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ON THE ONE HAND AND FINLAND, ON THE OTHER, SIGNED IN MOSCOW ON THE 19TH SEPTEMBER, 1944

A.—*Annex to Article 1*

The procedure for the withdrawal of Finnish troops behind the line of the State frontier between the U.S.S.R. and Finland laid down in the Peace Treaty of the 12th March, 1940, subject to the modifications arising from the Armistice Agreement signed on the 19th September, 1944, on all sectors occupied by Finnish troops, shall be as follows:

1. In the course of the first day as from the moment of signing of the Armistice Agreement Finnish troops shall be withdrawn to such a distance that there shall be a gap of not less than one kilometre between the forward units of the Red Army and the Finnish troops.

2. Within forty-eight hours (two days), counted as from the same moment, the Finnish troops shall make passages through their mines, barbed wire, and other defences to a width of not less than thirty metres in order thereby to make possible the free movement of battalion columns with their transport, and shall also enclose the remaining mine-fields within clearly visible marks.

The above-mentioned passages in the defences and the enclosure of mine-fields shall be made throughout the whole territory from which Finnish troops are withdrawn.

The clearance of passages by Finnish troops shall be made on all roads or paths which may serve for movement both in the neutral belt of one kilometre and also throughout the whole depth of the defences.

Towards the end of the second day the Command of the Finnish troops shall hand over to the appropriate Red Army Command exact plans of all types of defences with an indication on these plans of the passages made and to be made by the Finnish troops and also of the enclosures of all mine-fields.

3. The Finnish Command shall hand over within a period of five days to the Command of the Red Army and Navy

the charts, forms and descriptive maps at its disposal with legends for all mine-fields and other defences on land, in rivers, and lakes and in the Baltic and Barents Seas together with data about the courses and channels to be recommended and the rules for navigation along them.

4. The complete removal of mines, barbed wire and other defences throughout the territory from the line occupied by the advanced Finnish units to the line of the State frontier, and also the sweeping and removal of all defences from the channels on the approaches to Soviet territories, shall be made by the Finnish land and naval forces in the shortest possible time and in not more than forty days from the moment of the signing of the Armistice Agreement.

5. The withdrawal of Finnish troops behind the State frontier and the advance of the troops of the Red Army up to it shall begin as from 9.0 a.m. on the 21st September, 1944, simultaneously along the whole length of the front.

The withdrawal of Finnish troops shall be carried out in daily marches of not less than 15 kilometres a day and the advance of the troops of the Red Army shall take place in such a manner that there shall be a distance of 15 kilometres between the rear units of the Finnish troops and the advanced units of the Red Army.

6. In accordance with paragraph 5 the following limits are set for the withdrawal of Finnish troops on individual sectors behind the line of the State frontier:

On the sector Vuokinsalmi, Riahimjoki, the 1st October.

On the sector Riahimjoki, River Koita-Joki, the 3rd October.

On the sector River Koita-Joki, Korpi-selka, the 24th September.

On the sector Korpi-selka, Lake Puha-Jarvi, the 28th September.

On the sector Puha-Jarvi, Koitsan-lahti, the 26th September.

On the sector Koitsanlahti, Station Enso, the 28th September.

On the sector Station Enso, Virolahti, the 24th September.

The retreating Finnish troops shall take with them only such reserves of munitions, food, fodder and fuel and lubricants as they can carry and transport with them. All other stores shall be left on the spot and shall be handed over to the Command of the Red Army.

7. The Finnish Military Command shall hand over on the territories which are being returned or ceded to the Soviet Union in complete good order and repair all inhabited points, means of communication, defence and economic structures including: bridges, dams, aerodromes, barracks, warehouses, railway junctions, station buildings, industrial enterprises, hydrotechnical buildings, ports and wharves, telegraph offices, telephone exchanges, electric power stations, lines of communication and electric power lines.

The Finnish Military Command shall give instructions for the timely de-mining of all the installations enumerated above which are to be handed over.

8. When the Finnish troops are being withdrawn behind the line of the State frontier the Government of Finland shall guarantee the personal inviolability and the preservation of the dwelling places of the population of the territory to be abandoned by the Finnish troops together with the preservation of all the property belonging to this population and of the property of public, co-operative, cultural-social services and other organisations.

9. All questions which may arise in connexion with the transfer by the Finnish authorities of the installations enumerated in paragraph 7 of this Annex shall be settled on the spot by representatives of both sides, for which purpose special representatives for the period of the withdrawal of the troops shall be appointed by the Command to each basic route for the movements of the troops of both armies.

10. The advance of Soviet troops to the line of the State frontier on the sectors occupied by German troops shall be made in accordance with the instructions of the Command of the Soviet forces.

B.—Annex to Article 2

1. The Finnish Military Command shall hand over to the Allied (Soviet) High Command within a period fixed by the latter all the information at its disposal regarding the German armed forces and the plans of the German Military Command for the development of military operations against the Union of Soviet Socialist Republics and the other United Nations and also the charts and maps and all operational documents relating to the military operations of the German armed forces.

2. The Finnish Government shall instruct its appropriate authorities regularly to supply the Allied (Soviet) High Command with meteorological information.

C.—Annex to Article 3

1. In accordance with Article 3 of the Agreement the Allied (Soviet) High Command will indicate to the Finnish Military Command which aerodromes must be placed at the disposal of the Allied (Soviet) High Command and what equipment must remain on the aerodromes and equally will lay down the manner in which these aerodromes are to be used.

The Finnish Government shall enable the Soviet Union to make use of the railways, waterways, roads and air routes necessary for the transport of personnel and freight despatched from the Soviet Union to the areas where the above-mentioned aerodromes are situated.

2. Henceforth until the end of the war against Germany Allied naval vessels and merchant ships shall have the right to make use of the territorial waters, ports, wharves, and anchorages of Finland. The Finnish Government shall afford the necessary collaboration as regards material and technical services.

D.—Annex to Article 4

1. In accordance with Article 4 of the Agreement the Finnish Military Command shall immediately make available to the Allied (Soviet) High Command full information regarding the composition, armament and location of all the land, sea and air forces of Finland and shall come to an agreement with the Allied (Soviet) High Command regarding the manner of placing the Finnish army on a peace footing within the period fixed by the Agreement.

2. All Finnish naval vessels, merchant ships and aircraft for the period of the war against Germany must be returned to their bases, ports and aerodromes and must not leave them without obtaining the requisite permission to do so from the Allied (Soviet) High Command.

E.—Annex to Article 5

1. By the rupture, referred to in Article 5 of the Agreement, by Finland of all relations with Germany and her satellites is meant the rupture of all diplomatic, consular and other relations and also of postal, telegraphic and telephone com-

munications between Finland and Germany and Hungary.

2. The Finnish Government undertakes in future until such time as the withdrawal of German troops from Finland is completed to discontinue postal diplomatic communications and also any radio-telegraphic or telegraphic cypher correspondence and telephone communications with foreign countries by diplomatic missions and consulates located in Finland.

F.—*Annex to Article 7*

The line of the State frontier between the Union of Soviet Socialist Republics and Finland, in connexion with the return by Finland to the Soviet Union of the *Oblast* of Petsamo (Pechenga), shall proceed as follows:

From the boundary post No. 859/90 (Korvatunturi), near the Lake Yauri-Yarvi, the line of the State frontier shall be fixed in a North-westerly direction along the former Russian-Finnish boundary by boundary posts Nos. 91, 92 and 93 to the boundary post No. 94, where formerly the frontiers of Russia, Norway and Finland met.

Thence the line of the frontier shall run in a general North-easterly direction along the former Russian-Norwegian State frontier to Varanger-Fjord (see the attached Russian map,¹ scale 1:500,000).

The line of the frontier, fixed from the boundary post No. 859/90 (Korvatunturi) to the boundary post No. 94, will be demarcated on the spot by a Soviet-Finnish Mixed Commission.

The Commission will establish boundary signs, will make a detailed description of this line and will enter it on a map of the scale of 1:25,000.

The Commission will begin its work on a date to be specified by the Soviet Military Command.

The description of the boundary line and the map of this line made by the above-mentioned Commission shall be confirmed by both Governments.

G.—*Annex to Article 8*

1. The boundary line of the area of Porkkala-Udd leased by the Union of Soviet Socialist Republics from Finland shall begin at a point of which the map references are: latitude 59° 50' North; longitude 24° 07' East. Thence the

boundary line shall proceed North along the meridian 24° 07' to a point of which the map references are: latitude 60° 06' 12" North; longitude 24° 07' East. Thence the boundary line shall proceed along the line indicated in the map in a Northerly direction to a point of which the map references are: latitude 60° 08' 6" North; longitude 24° 07' 36" East.

Thence the boundary line shall proceed along the line indicated on the map in a general North-Easterly by Easterly direction to a point of which the map references are: latitude 60° 10' 24" North; longitude 24° 34' 6" East. Thence along the line indicated on the map along the bay of Espoon-Lahti, and further East of the islands of Smuholmarna, Björken, Medvaste, Heg-holm and Stur-Hamnholm to a point of which the map references are: latitude 60° 02' 54" North; longitude 24° 37' 42" East, and thence the boundary line shall proceed South along the meridian 24° 37' 42" to the outer boundaries of Finnish territorial waters. (See the map, scale 1:100,000, attached to the present Agreement.)

The boundary line of the leased area of Porkkala-Udd will be demarcated on the spot by a Soviet-Finnish Mixed Commission. The Commission shall establish boundary marks and shall draw up a detailed description of this line and shall enter it upon a topographical map, scale 1:20,000, and a naval map, scale 1:50,000.

The Commission shall begin its work on a date to be specified by the Soviet Naval Command.

The description of the boundary line of the leased area and the map of that line prepared by the above-mentioned commission shall be confirmed by both Governments.

2. In accordance with Article 8 of the Agreement the territory and waters in the area of Porkkala-Udd shall be transferred by Finland to the Soviet Union within ten days from the moment of signature of the Armistice Agreement for the organisation of a Soviet naval base on lease, to be used and controlled for a period of fifty years, the Soviet Union making an annual payment of five million Finnish marks.

3. The Finnish Government undertakes to enable the Soviet Union to make use of the railways, waterways, roads and air routes necessary for the transport of

¹ Not reproduced.

personnel and freight despatched from the Soviet Union to the naval base at Porkkala-Udd.

The Finnish Government shall grant to the Soviet Union the right of unimpeded use of all forms of communication between the U.S.S.R. and the territory leased in the area of Porkkala-Udd.

H.—*Annex to Article 11*

1. The precise nomenclature and varieties of commodities to be delivered by Finland to the Soviet Union in accordance with Article 11 of the Agreement and also the more precise periods for making these deliveries each year shall be defined in a special agreement between the two Governments.

As the basis for accounts regarding the payment of the indemnity foreseen in Article 11 of the Agreement the American dollar is to be used at its gold parity on the day of signature of the Agreement, *i.e.*, thirty-five dollars to one ounce of gold.

I.—*Annex to Article 22*

1. The Allied Control Commission is an organ of the Allied (Soviet) High Command, to which it is directly subordinated. The Control Commission will be the liaison link between the Allied (Soviet) High Command and the Finnish Government, through which Government the Commission will carry on all its relations with the Finnish authorities.

2. The chief task of the Control Commission is to see to the punctual and accurate fulfilment by the Finnish Government of Articles 2, 3, 4, 10, 12, 13, 14, 15,

16, 17, 18, 20 and 21 of the Armistice Agreement.

3. The Control Commission shall have the right to receive from the Finnish authorities all the information which it requires for the fulfilment of the above-mentioned task.

4. In the event of the discovery of any violation of the above-mentioned Articles of the Armistice Agreement the Control Commission shall make appropriate representations to the Finnish authorities in order that proper steps may be taken.

5. The Control Commission may establish special organs or sections, entrusting them respectively with the execution of various tasks.

Moreover, the Control Commission may through its officers make the necessary investigations and the collection of the information which it requires.

6. The Control Commission shall be established in Helsingfors.

7. The members of the Control Commission and equally its officers shall have the right to visit without let or hindrance any institution, enterprise or port and to receive there all the information necessary for their functions.

8. The Control Commission shall enjoy all diplomatic privileges, including inviolability of person, property and archives, and it shall have the right of communication by means of cypher and diplomatic courier.

9. The Control Commission shall have at its disposal a number of aircraft for the use of which the Finnish authorities shall grant all the necessary facilities.

No. 637a

Protocol to the Armistice Agreement with Finland. Signed at Moscow, September 19, 1944.

Protocole à l'Accord concernant l'armistice avec la Finlande. Signé à Moscou, 19 septembre 1944.

Entered into force September 19, 1944.

Text from *Br. Parl. Papers*, Misc. No. 2 (1945), Cmd. 6586, p. 10.

On the occasion of the signing of the Armistice Agreement with the Government of Finland, the Allied Governments signatory thereto are agreed that—

1. Paragraph 1 of Article 10 of the Armistice Agreement defines the obligations undertaken by the Finnish Government in regard to surrender to the Allied

authorities of Allied prisoners of war and Allied nationals interned in or forcibly removed to Finland. Each Allied Government shall decide which of its nationals shall or shall not be repatriated.

2. The term "war material" used in Article 15 shall be deemed to include all material or equipment belonging to, used by or intended for use by, enemy military or para-military formations or members thereof.

3. The use by Allied (Soviet) High

Command of Allied vessels handed back by the Government of Finland in accordance with Article 18 of the Armistice Agreement, and date of their return to their owners will be matter for discussion and settlement between the Government of the Soviet Union and Allied Governments concerned.

DONE in Moscow on the 19th September in two copies, each in the English and Russian languages, both English and Russian texts being authentic.

[Signed:] For Government of **United Kingdom**: ARCHIBALD CLARK KERR; for Government of the **Soviet Union**: DEKANOZOV.

No. 637b

Protocol to the Armistice Agreement with Finland. Signed at Moscow, October 8, 1944.

Protocole à l'Accord concernant l'armistice avec la Finlande. Signé à Moscou, 8 octobre 1944.

EDITOR'S NOTE. An alteration of the period of payment provided for in this Protocol was effected by a supplementary protocol signed by Canada and the Soviet Union at Ottawa, September 29, 1947; the British Government accepted this change on November 19, 1947. Canada, *Treaty Series*, 1947, No. 24. On previous negotiations between Finland and the Soviet Union with respect to the Petsamo mines, see *Finland Reveals Her Secret Documents on Soviet Policy, March 1940—June 1941* (New York, 1941), pp. 23-28, 50-97.

BIBLIOGRAPHY. The text of this Protocol is also published in Canada, *Treaty Series*, 1944, No. 29; 12 *U.S. Department of State Bulletin* (1945), p. 267; 2 *Soviet Foreign Policy during the Patriotic War: Documents and Materials* (London, 1947), p. 161.

Entered into force October 8, 1944.

Text from *Br. Parl. Papers*, Misc. No. 2 (1945), Cmd. 6586, p. 11.

On the occasion of the signing of the Armistice Agreement with the Government of Finland, the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of Canada and the Government of the Union of Soviet Socialist Republics are agreed that—

In connexion with the return by Finland to the Soviet Union of the former Soviet territory of the *Oblast* of Petsamo (Pechenga) and the consequent transfer to ownership of the Soviet Union of nickel mines (including all property and installa-

tions appertaining thereto) operated in the said territory for the benefit of the Mond Nickel Company and the International Nickel Company of Canada, the Soviet Government will pay to the Government of Canada during the course of six years from the date of the signing of the present Protocol, in equal instalments, the sum of 20 million United States dollars as full and final compensation of the above-mentioned companies. For the purpose of this payment United States dollars will be reckoned at the value of 35 dollars to one ounce of gold.

DONE in Moscow on the 8th October, 1944, in three copies, each in the English and Russian languages, both the English and Russian texts being authentic.

[Signed:] For the Government of the **United Kingdom**: ARCHIBALD CLARK KERR; for the Government of **Canada**: L. D. WILGESS; for the Government of the **Union of Soviet Socialist Republics**: V. G. DEKANOZOV.

No. 638

ARMISTICE Agreement with Bulgaria. Signed at Moscow, October 28, 1944.

ACCORD concernant l'armistice avec la Bulgarie. Signé à Moscou, 28 octobre 1944.

EDITOR'S NOTE. This is one of the series of instruments which ended the hostilities in World War II. For other armistice agreements of the period, see Nos. 625, 636, and 637, *ante*; Nos. 645, 651, and 661, *post*. At the time of the armistice, Bulgaria was at war with Australia, Bolivia, Czechoslovakia, Great Britain, Greece, Haiti, India, Luxemburg, New Zealand, Nicaragua, South Africa, the Soviet Union, the United States of America, and Yugoslavia. The treaty of peace with Bulgaria, signed at Paris, February 10, 1947, came into force on September 15, 1947. *U.S. Treaties and Other International Acts Series*, No. 1650. A treaty of friendship, cooperation, and mutual assistance between Bulgaria and the Soviet Union was signed at Moscow, March 18, 1948. 1 *U.S. Department of State, Documents and State Papers* (1948), p. 236.

RATIFICATIONS. This Agreement was not subject to ratification.

BIBLIOGRAPHY. The text of this Agreement was published also in *Br. Parl. Papers*, Misc. No. 3 (1945), Cmd. 6587; 2 *Soviet Foreign Policy during the Patriotic War: Documents and Materials* (London, 1947), p. 169; Canada, *Treaty Series*, 1944, No. 39; 39 *Am. Jour. Int. Law* (Supp., 1945), p. 93.

A. J. Fischer, "Bulgaria and the Powers," 169 *Contemporary Review* (1946), pp. 344-48; M. W. Graham, "Armistices—1944 Style," 39 *Am. Jour. Int. Law* (1945), pp. 286-95; V. Kolarov, "Les revendications de la Bulgarie," 2 *Cahiers du Monde nouveau* (1946), No. 6, pp. 61-69.

Entered into force October 28, 1944.

Text from *U.S. Executive Agreement Series*, No. 437.

The Government of Bulgaria accepts the armistice terms presented by the Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom, acting on behalf of all the United Nations at war with Bulgaria.

Accordingly, the representative of the Supreme Allied Commander in the Mediterranean, Lieutenant-General Sir James Gammell, and the

representative of the Soviet High Command, Marshal of the Soviet Union F. I. Tolbukhin, duly authorized thereto by the Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom, acting on behalf of all the United Nations at war with Bulgaria, on the one hand, and representatives of the Government of Bulgaria, Mr. P. Stainov, Minister of Foreign Affairs, Mr. D.

Terpeshev, Minister without Portfolio, Mr. N. Petkov, Minister without Portfolio, and Mr. P. Stoyanov, Minister of Finance, furnished with due powers, on the other hand, have signed the following terms:

1. (a) Bulgaria, having ceased hostilities with the U.S.S.R. on September 9, and severed relations with Germany on September 6 and with Hungary on September 26, has ceased hostilities against all the other United Nations.

(b) The Government of Bulgaria undertakes to disarm the German armed forces in Bulgaria and to hand them over as prisoners of war.

The Government of Bulgaria also undertakes to intern nationals of Germany and her satellites.

(c) The Government of Bulgaria undertakes to maintain and make available such land, sea and air forces as may be specified for service under the general direction of the Allied (Soviet) High Command. Such forces must not be used on Allied territory except with the prior consent of the Allied Government concerned.

(d) On the conclusion of hostilities against Germany, the Bulgarian armed forces must be demobilized and put on a peace footing under the supervision of the Allied Control Commission.

2. Bulgarian armed forces and officials must be withdrawn within the specified time limit from the territory of Greece and Yugoslavia in accordance with the pre-condition accepted by the Government of Bulgaria on October 11; the Bulgarian authorities must immediately take steps to withdraw from Greek and Yugoslav territory Bulgarians who were citizens of Bulgaria on January 1, 1941, and to repeal all legislative and administrative provisions relating to the annexation or incorporation in Bulgaria of Greek or Yugoslav territory.

3. The Government of Bulgaria

will afford to Soviet and other Allied forces freedom of movement over Bulgarian territory in any direction, if in the opinion of the Allied (Soviet) High Command the military situation so requires, the Government of Bulgaria giving to such movements every assistance with its own means of communication, and at its own expense, by land, water and in the air.

4. The Government of Bulgaria will immediately release all Allied prisoners of war and internees. Pending further instructions the Government of Bulgaria will at its own expense provide all Allied prisoners of war and internees, displaced persons and refugees, including nationals of Greece and Yugoslavia, with adequate food, clothing, medical services and sanitary and hygienic requirements, and also with means of transportation for the return of any such persons to their own country.

5. The Government of Bulgaria will immediately release, regardless of citizenship or nationality, all persons held in detention in Bulgaria in connection with their activities in favor of the United Nations, or because of their sympathies with the United Nations' cause or for racial or religious reasons, and will repeal all discriminatory legislation and disabilities arising therefrom.

6. The Government of Bulgaria will cooperate in the apprehension and trial of persons accused of war crimes.

7. The Government of Bulgaria undertakes to dissolve immediately all pro-Hitler or other Fascist political, military, para-military and other organizations on Bulgarian territory conducting propaganda hostile to the United Nations, and not to tolerate the existence of such organizations in future.

8. The publication, introduction and distribution in Bulgaria of periodical or non-periodical literature, the presentation of theatrical performances or films, the operation of

wireless stations, post, telegraph and telephone services will take place in agreement with the Allied (Soviet) High Command.

9. The Government of Bulgaria will restore all property of the United Nations and their nationals, including Greek and Yugoslav property, and will make such reparation for loss and damage caused by the war to the United Nations, including Greece and Yugoslavia, as may be determined later.

10. The Government of Bulgaria will restore all rights and interests of the United Nations and their nationals in Bulgaria.

11. The Government of Bulgaria undertakes to return to the Soviet Union, to Greece and Yugoslavia, and to the other United Nations by the dates specified by the Allied Control Commission and in a good state of preservation, all valuables and materials removed during the war by Germany or Bulgaria from United Nations' territory and belonging to state, public or cooperative organizations, enterprises, institutions or individual citizens such as factory and works equipment, locomotives, rolling stock, tractors, motor vehicles, historic monuments, museum treasures and any other property.

12. The Government of Bulgaria undertakes to hand over as booty to the Allied (Soviet) High Command all war material of Germany and her satellites located on Bulgarian territory, including vessels of the fleets of Germany and her satellites located in Bulgarian waters.

13. The Government of Bulgaria undertakes not to permit the removal or expropriation of any form of property (including valuables and currency), belonging to Germany or Hungary or to their nationals or to persons resident in their territories or in territories occupied by them, without the permission of the Allied Control Commission. The Govern-

ment of Bulgaria will safeguard such property in the manner specified by the Allied Control Commission.

14. The Government of Bulgaria undertakes to hand over to the Allied (Soviet) High Command all vessels belonging to the United Nations which are in Bulgarian ports, no matter at whose disposal these vessels may be, for the use of the Allied (Soviet) High Command during the war against Germany or Hungary in the common interest of the Allies, the vessels to be returned subsequently to their owners.

The Government of Bulgaria will bear full material responsibility for any damage to or destruction of the aforesaid property up to the moment of its transfer to the Allied (Soviet) High Command.

15. The Government of Bulgaria must make regular payments in Bulgarian currency and must supply goods (fuel, foodstuffs, *et cetera*), facilities and services as may be required by the Allied (Soviet) High Command for the discharge of its functions.

16. Bulgarian merchant vessels, whether in Bulgarian or foreign waters, shall be subject to the operational control of the Allied (Soviet) High Command for use in the general interest of the Allies.

17. The Government of Bulgaria will arrange in case of need for the utilization in Bulgarian territory of industrial and transport enterprises, means of communication, power stations, public utility enterprises and installations, stocks of fuel and other materials in accordance with the instructions issued during the armistice by the Allied (Soviet) High Command.

18. For the whole period of the armistice there will be established in Bulgaria an Allied Control Commission which will regulate and supervise the execution of the armistice terms under the chairmanship of the representative of the Allied (Soviet)

High Command, and with the participation of representatives of the United States and the United Kingdom.

During the period between the coming into force of the armistice and the conclusion of hostilities against Germany the Allied Control Commission will be under the gen-

eral direction of the Allied (Soviet) High Command.

19. The present terms will come into force on their signing.

DONE at Moscow in quadruplicate, in the Russian, English and Bulgarian languages, the Russian and English texts being authentic.

October 28, 1944.

[Signed:] For the Governments of the **United States of America**, the **Union of Soviet Socialist Republics**, and the **United Kingdom**: *Representative of the Supreme Allied Commander in the Mediterranean*, J. A. H. GAMMELL, Lt. Gen.; *Representative of the Soviet High Command*, F. I. TOLBUKHIN; for the Government of **Bulgaria**: P. STAINOV, D. TERPESHEV, N. PETKOV, P. STOYANOV.

No. 638a

Protocol to the Armistice Agreement with Bulgaria. Signed at Moscow, October 28, 1944.

Protocole à l'Accord concernant l'armistice avec la Bulgarie. Signé à Moscou, 28 octobre 1944.

Entered into force October 28, 1944.

Text from *U.S. Executive Agreement Series*, No. 437, p. 17.

At the time of the signing of the Armistice Agreement with the Government of Bulgaria, the Allied Governments signatory thereto have agreed to the following:

1. In connexion with Article 9 it is understood that the Government of Bulgaria will immediately make available certain foodstuffs for the relief of the population of Greek and Yugoslav territories which have suffered as a result of Bulgarian aggression. The quantities of each product to be delivered will be determined by agreement between the three governments and will be considered as part of the reparation by Bulgaria for loss and damage sustained by Greece and Yugoslavia.

2. The term "war material" used in Article 12 shall be deemed to include all material or equipment belonging to, used by, or intended for use by enemy military or para-military formations or members thereof.

3. The use by the Allied (Soviet) High Command of Allied vessels handed over by the Government of Bulgaria in accordance with Article 14 of the armistice and the date of their return to their owners will be the subject of discussion and settlement between the Allied governments concerned and the Government of the Soviet Union.

4. It is understood that in the application of Article 15 the Allied (Soviet) High Command will also arrange for provision of Bulgarian

currency, supplies, services, *et cetera*, to meet the needs of the representatives of the governments of the United States and United Kingdom in Bulgaria.

DONE at Moscow in triplicate, in the Russian and English languages, both the Russian and English texts being authentic.

28 October, 1944.

[Signed:] For the Government of the United States of America, GEORGE F. KENNAN; for the Government of the Union of Soviet Socialist Republics, A. Y. VYSHINSKI; for the Government of the United Kingdom, ARCHIBALD CLARK KERR.

No. 639

INTERIM AGREEMENT on International Civil Aviation. Opened for signature at Chicago, December 7, 1944.

ACCORD PROVISIONNEL sur aviation civile internationale. Ouvert à la signature à Chicago, 7 décembre 1944.

EDITOR'S NOTE. This Agreement was formulated at the International Civil Aviation Conference held at Chicago, November 1–December 7, 1944. A convention on international civil aviation and two agreements, on transit and on transport, were also concluded at that conference (Nos. 640–642, *post*). The Final Act of the conference with various resolutions and technical annexes was published in U.S. Department of State, Publication No. 2282, Conference Series No. 64, pp. 35–43, 96–284. The first meeting of the Interim Council was held at Montreal, August 15–30, 1945; a meeting of the Interim Assembly was held at Montreal, May 21–June 7, 1946.

ACCEPTANCES. On July 1, 1947, acceptances of this Agreement had been effected by Afghanistan, Argentine Republic, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Egypt, El Salvador, Ethiopia, France, Great Britain (with reservation), Greece, Guatemala, Haiti, Honduras, Iceland, India (with reservation), Iran, Iraq, Ireland, Lebanon, Liberia, Luxemburg, Mexico, Netherlands, New Zealand (with reservation), Nicaragua, Norway, Paraguay, Peru, Philippines, Poland, Portugal, South Africa, Spain, Sweden, Switzerland, Syria, Thailand, Transjordan, Turkey, the United States of America, and Venezuela.

BIBLIOGRAPHY. The text of this Agreement is also published in U.S. Department of State, Publication No. 2282, Conference Series No. 64, p. 44; Canada, *Treaty Series*, 1944, No. 36, p. 22; *Br. Parl. Papers*, Misc. No. 6 (1945), Cmd. 6614; 39 *Am. Jour. Int. Law* (Supp., 1945), pp. 122–35. The proceedings of the Chicago Conference have been published in U.S. Department of State, Publication 2820, International Organization and Conference Series IV, ICAO 3 (Washington, 1949), 2 vols., 1509 pp. The activities of PICAQ are recorded in the PICAQ *Journal* and in the PICAQ *Monthly Bulletin*.

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Entered into force June 6, 1945.¹

Text from *U.S. Executive Agreement Series*, No. 469.

The undersigned, on behalf of their respective governments, agree to the following:

ARTICLE I.—*The Provisional Organization*

Section 1. The signatory States hereby establish a provisional international organization of a technical and advisory nature of sovereign States for the purpose of collaboration in the field of international civil aviation. The organization shall be known as the Provisional International Civil Aviation Organization.

Section 2. The Organization shall consist of an Interim Assembly and

an Interim Council, and it shall have its seat in Canada.

Section 3. The Organization is established for an interim period which shall last until a new permanent convention on international civil aviation shall have come into force or another conference on international civil aviation shall have agreed upon other arrangements: provided, however, that the interim period shall in no event exceed three years from the coming into force of the present Agreement.

Section 4. The Organization shall enjoy in the territory of each member State such legal capacity as may be necessary for the performance of

¹ The Provisional Organization ceased to exist on April 4, 1947, when the permanent convention (No. 640, *post*) came into force.

its functions. Full juridical personality shall be granted wherever compatible with the constitution and laws of the State concerned.

ARTICLE 2.—*The Interim Assembly*

Section 1. The Assembly shall meet annually and shall be convened by the Council at a suitable time and place. Extraordinary meetings of the Assembly may be held at any time upon call of the Council or at the request of any ten member States of the Organization addressed to the Secretary General.

All member States shall have equal right to be represented at the meetings of the Assembly and each member State shall be entitled to one vote. Delegates representing member States may be assisted by technical advisers who may participate in the meetings but shall have no vote.

A majority of the member States is required to constitute a quorum for the meetings of the Assembly. Unless otherwise provided herein, voting of the Assembly shall be by a simple majority of the member States present.

Section 2. The powers and duties of the Assembly shall be to:

1. Elect at each meeting its President and other officers.

2. Elect the member States to be represented on the Council, as provided in Article 3, Section 1.

3. Examine, and take appropriate action upon, the reports of the Council and decide upon any matter referred to it by the Council.

4. Determine its own rules of procedure and establish such subsidiary commissions and committees as may be necessary or advisable.

5. Approve an annual budget and determine the financial arrangements of the Organization.

6. At its discretion, refer to the Council any specific matter for its consideration and report.

7. Delegate to the Council all the

powers and authority that may be considered necessary or advisable for the discharge of the duties of the Organization. Such delegations of authority may be revoked or modified at any time by the Assembly.

8. Deal with any matter within the sphere of action of the Organization not specifically assigned to the Council.

ARTICLE 3.—*The Interim Council*

Section 1. The Council shall be composed of not more than 21 member States elected by the Assembly for a period of two years. In electing the members of the Council, the Assembly shall give adequate representation (1) to those member States of chief importance in air transport, (2) to those member States not otherwise included which make the largest contribution to the provision of facilities for international civil air navigation, and (3) to those member States not otherwise included whose election will insure that all major geographical areas of the world are represented. Any vacancy on the Council shall be filled by the Assembly at its next meeting. Any member State of the Council so elected shall hold office for the remainder of its predecessor's term of office.

Section 2. No representative of a member State on the Council shall be actively associated with the operation of an international air service or financially interested in such a service.

Section 3. The Council shall elect, and determine the emoluments of, a President, for a term not to exceed the interim period. The President shall have no vote. The Council shall also elect from among its members one or more Vice Presidents, who shall retain their right to vote when serving as Acting President. The President need not be selected from the members of the Council but if a member is elected, his seat shall be deemed vacant and it shall be

filled by the State which he represented. The President shall convene, and preside at, the meetings of the Council; he shall act as the Council's representative; and he shall carry out such functions on behalf of the Council as may be assigned to him.

Decisions by the Council will be deemed valid only when approved by a majority of all the members of the Council.

Section 4. Any member State not a member of the Council may participate in the deliberations of the Council whenever any decision is to be taken which especially concerns such member State. Such member State, however, shall not have the right to vote; provided that, in any case in which there is a dispute between one or more member States who are not members of the Council and one or more member States who are members of the Council, any State within the second category which is a party to the dispute shall have no right to vote on that dispute.

Section 5. The powers and duties of the Council shall be to:

1. Carry out the directives of the Assembly.

2. Determine its own organization and rules of procedure.

3. Determine the method of appointment, emoluments, and conditions of service of the employees of the Organization.

4. Appoint a Secretary General.

5. Provide for the establishment of any subsidiary working groups which may be considered desirable, among which there shall be the following interim committees:

- a. A Committee on Air Transport,

- b. A Committee on Air Navigation, and

- c. A Committee on International Convention on Civil Aviation.

If a member State so desires, it shall

have the right to appoint a representative on any such interim committee or working group.

6. Prepare and submit to the Assembly budget estimates of the Organization, and statements of accounts of all receipts and expenditures and to authorize its own expenditures.

7. Enter into agreements with other international bodies when it deems advisable for the maintenance of common services and for common arrangements concerning personnel and, with the approval of the Assembly, enter into such other arrangements as may facilitate the work of the Organization.

Section 6. In addition to the powers and authority which the Assembly may delegate to it, the functions of the Council shall be to:

1. Maintain liaison with the member States of the Organization, calling upon them for such pertinent data and information as may be required in giving consideration to recommendations made by them.

2. Receive, register, and hold open to inspection by member States all existing contracts and agreements relating to routes, services, landing rights, airport facilities, or other international air matters to which any member State or any airline of a member State is a party.

3. Supervise and coordinate the work of:

- a. The Committee on Air Transport, whose functions shall be to:

- (1) Observe, correlate, and continuously report upon the facts concerning the origin and volume of international air traffic and the relation of such traffic, or the demand therefor, to the facilities actually provided.

- (2) Request, collect, analyze and report on information with respect to subsidies, tariffs, and costs of operation.

- (3) Study any matters affecting the organization and operation of

international air services, including the international ownership and operation of international trunk lines.

(4) Study and report with recommendations to the Assembly as soon as practicable on the matters on which it has not been possible to reach agreement among the nations represented at the International Civil Aviation Conference, convened in Chicago, November 1, 1944, in particular the matters comprehended within the headings of Articles 2, 10, 11, and 12 of Conference Document 422, together with Conference Documents 384, 385, 400, 407, and 429, and all other documentation relating thereto.

b. The Committee on Air Navigation, whose functions shall be to:

(1) Study, interpret and advise on standards and procedures with respect to communications systems and air navigation aids, including ground marks; rules of the air and air traffic control practices; standards governing the licensing of operating and mechanical personnel; airworthiness of aircraft; registration and identification of aircraft; meteorological protection of international aeronautics; log books and manifests; aeronautical maps and charts; airports; customs, immigration, and quarantine procedure; accident investigation, including search and salvage; and the further unification of numbering and systems of dimensioning and specification of dimensions used in connection with international air navigation.

(2) Recommend the adoption, and take all possible steps to secure the application, of minimum requirements and standard procedures with respect to the subjects in the preceding paragraph.

(3) Continue the preparation of technical documents, in accordance with the recommendations of

the International Civil Aviation Conference approved at Chicago on December 7, 1944, and with the resulting suggestions of the member States, for attachment to the Convention on International Civil Aviation, signed at Chicago on December 7, 1944.

c. The Committee on International Convention on Civil Aviation, whose functions shall be to continue the study of an international convention on civil aviation.

4. Receive and consider the reports of the committees and working groups.

5. Transmit to each member State the reports of these committees and working groups and the findings of the Council thereon.

6. Make recommendations with respect to technical matters to the member States of the Assembly individually or collectively.

7. Submit an annual report to the Assembly.

8. When expressly requested by all the parties concerned, act as an arbitral body on any differences arising among member States relating to international civil aviation matters which may be submitted to it. The Council may render an advisory report or, if the parties concerned so expressly decide, they may obligate themselves in advance to accept the decision of the Council. The procedure to govern the arbitral proceedings shall be determined in agreement between the Council and all the interested parties.

9. On direction of the Assembly, convene another conference on international civil aviation; or at such time as the Convention is ratified, convene the first Assembly under the Convention.

ARTICLE 4.—*The Secretary General*

The Secretary General shall be the chief executive and administrative officer of the Organization. The Secretary General shall be responsi-

ble to the Council as a whole and, following established policies of the Council, shall have full power and authority to carry out the duties assigned to him by the Council. The Secretary General shall make periodic reports to the Council covering the progress of the Secretariat's activities. The Secretary General shall appoint the staff of the Secretariat. He shall likewise appoint the secretariat and staff necessary to the functioning of the Assembly, of the Council, and of Committees or such working groups as are mentioned in the present Agreement or may be constituted pursuant thereto.

ARTICLE 5.—*Finances*

Each member State shall bear the expenses of its own delegation to the Assembly and the salary, travel and other expenses of its own delegate on the Council and of its representatives on committees or subsidiary working groups.

The expenses of the organization shall be borne by the member States in proportions to be decided by the Assembly. Funds shall be advanced by each member State to cover the initial expenses of the Organization.

The Assembly may suspend the voting power of any member State that fails to discharge, within a reasonable period, its financial obligations to the Organization.

ARTICLE 6.—*Special Duties*

The Organization shall also carry out the functions placed upon it by the International Air Services Transit Agreement and by the International Air Transport Agreement drawn up at Chicago on December 7, 1944, in accordance with the terms and conditions therein set forth.

Members of the Assembly and the Council who have not accepted the International Air Services Transit Agreement or the International Air Transport Agreement drawn up at Chicago on December 7, 1944 shall

not have the right to vote on any questions referred to the Assembly or Council under the provisions of the relevant Agreements.

ARTICLE 7.—*Transfer of Functions, Records, and Property*

The exercise of any functions which shall have been herein assigned to the Provisional Organization shall cease at any time that those particular functions have been completed or transferred to another international organization. At the time of the coming into force of the Convention on International Civil Aviation signed at Chicago, December 7, 1944, the records and property of the Provisional Organization shall be transferred to the International Civil Aviation Organization established under the above-mentioned Convention.

ARTICLE 8.—*Flight over Territory of Member States*

Section 1. The member States recognize that every State has complete and exclusive sovereignty over the airspace above its territory.

Section 2. For the purposes of this Agreement the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State.

Section 3. This Agreement shall be applicable only to civil aircraft, and shall not be applicable to state aircraft. Aircraft used in military, customs and police services shall be deemed to be state aircraft.

Section 4. Except in a case where, under the terms of an agreement or of a special authorization, aircraft are permitted to cross the territory of a member State without landing, every aircraft which enters the territory of a member State shall, if the regulations of that State so require, land at an airport designated by that State for the purpose of cus-

toms and other examination. On departure from the territory of a member State, such aircraft shall depart from a similarly designated customs airport. Particulars of all designated customs airports shall be published by the State and transmitted to the Provisional International Civil Aviation Organization for communication to all other member States.

Section 5. Subject to the provisions of this Agreement, the laws and regulations of a member State relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of all member States without distinction as to nationality, and shall be complied with by such aircraft upon entering or departing from or while within the territory of that State.

Section 6. Each member State undertakes to adopt measures to insure that every aircraft flying over or maneuvering within its territory and that every aircraft carrying its nationality mark, wherever it may be, shall comply with the rules and regulations relating to the flight and maneuver of aircraft there in force. Each member State undertakes to insure the prosecution of all persons violating the regulations applicable.

Section 7. The laws and regulations of a member State as to the admission to or departure from its territory of passengers, crew or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo upon entrance into or departure from, or while within the territory of that State.

Section 8. The member States agree to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epi-

demic), smallpox, yellow fever, and plague, and such other communicable diseases as the member States shall from time to time decide to designate, and to that end member States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft. Such consultation shall be without prejudice to the application of any existing international convention on this subject to which the member States may be parties.

Section 9. Each member State may, subject to the provisions of this Agreement,

1. Designate the route to be followed within its territory by any international air service and the airports which any such service may use;

2. Impose or permit to be imposed on any such service just and reasonable charges for the use of such airports and other facilities; these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services;

provided that, upon representation by an interested member State, the charges imposed for the use of airports and other facilities shall be subject to review by the Council, which shall report and make recommendations thereon for the consideration of the State or States concerned.

Section 10. The appropriate authorities of each of the member States shall have the right, without unreasonable delay, to search aircraft of the other member States on landing or departure, and to inspect the certificates and other documents prescribed by this Agreement.

ARTICLE 9.—*Measures to Facilitate Air Navigation*

Section 1. Each member State undertakes, so far as it may find practicable, to make available such

radio facilities, such meteorological services, and such other air navigation facilities as may from time to time be required for the operation of safe and efficient scheduled international air services under the provisions of this Agreement.

Section 2. Each member State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable, and to permit, subject to the control of its own authorities, the owners or authorities of the State in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances.

Section 3. In the event of an accident to an aircraft of a member State occurring in the territory of another member State, and involving death or serious injury, or indicating serious technical defect, in the aircraft or air navigation facilities, the State in which the accident occurs will institute an inquiry into the circumstances of the accident. The State in which the aircraft is registered shall be given the opportunity to appoint observers to be present at the inquiry and the State holding the inquiry shall communicate the report and findings in the matter to that State.

ARTICLE 10.—Conditions to be Fulfilled with Respect to Aircraft

Section 1. Every aircraft of a member State, engaged in international navigation, shall carry the following documents:

- (a) Its certificate of registration.
- (b) Its certificate of airworthiness.
- (c) The appropriate licenses for each member of the crew.
- (d) Its journey log book.
- (e) If it is equipped with radio apparatus, the aircraft radio station license.
- (f) If it carries passengers, a list of their names and places of embarkation and destination.

(g) If it carries cargo, a manifest and detailed declarations of the cargo.

Section 2.—(a) Aircraft of each member State may, in or over the territory of other member States, carry radio transmitting apparatus only if a license to install and operate such apparatus has been issued by the appropriate authorities of the State in which the aircraft is registered. The use of radio transmitting apparatus in the territory of the member State whose territory is flown over shall be in accordance with the regulations prescribed by that State.

(b) Radio transmitting apparatus may be used only by members of the flight crew who are provided with a special license for the purpose, issued by the appropriate authorities of the State in which the aircraft is registered.

Section 3. Every aircraft engaged in international navigation shall be provided with a certificate of airworthiness issued or rendered valid by the State in which it is registered.

Section 4.—(a) The pilot of every aircraft and the other members of the operating crew of every aircraft engaged in international navigation shall be provided with certificates of competency and licenses issued or rendered valid by the State in which the aircraft is registered.

(b) Each member State reserves the right to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to any of its nationals by another member State.

Section 5. Subject to the provisions of Section 4(b), certificates of airworthiness and certificates of competency and licenses issued or rendered valid by the member State in which the aircraft is registered, shall be recognized as valid by the other member State.

Section 6. There shall be maintained in respect of every aircraft engaged in international navigation a journey log book in which shall be entered particulars of the aircraft, its crew and each journey.

Section 7. Each member State may prohibit or regulate the use of photographic apparatus in aircraft over its territory.

ARTICLE 11.—*Airports and Air Navigation Facilities*

Where a member State desires assistance in the provision of airports or air navigation facilities in its territory, the Council may make arrangements for the provision of such assistance so far as may be practicable in accordance with the provisions of Chapter XV of the Convention on International Civil Aviation signed at Chicago, December 7, 1944.

ARTICLE 12.—*Joint Operating Organizations and Arrangements*

Section 1. Nothing in this Agreement shall prevent two or more member States from constituting joint air transport operating organizations or international operating agencies and from pooling their air services on any routes or in any regions, but such organizations or agencies and such pooled services shall be subject to all the provisions of this Agreement, including those relating to the registration of agreements with the Council.

Section 2. The Council may suggest to member States concerned that they form joint organizations to operate air services on any routes or in any regions.

Section 3. A State may participate in joint operating organizations or in pooling arrangements, either through its government or through an airline company or companies designated by its government. The companies may, at the sole discretion of the State concerned, be State-

owned or partly State-owned or privately owned.

ARTICLE 13.—*Undertakings of Member States*

Section 1. Each member State undertakes to transmit to the Council copies of all existing and future contracts and agreements relating to routes, services, landing rights, airport facilities, or other international air matters to which any member State or any airline of a member State is a party, as described in Article 3, Section 6, Subsection 2.

Section 2. Each member State undertakes to require its international airlines to file with the Council, in accordance with requirements laid down by the Council, traffic reports, cost statistics, and financial statements as described in Article 3, Section 6, Subsection 3, *a* (1) and (2), showing, among other things, all receipts and the sources thereof.

Section 3. The member States undertake, with respect to the matters set forth in Article 3, Section 6, Subsection 3, *b* (1), to apply, as rapidly as possible, in their national civil aviation practices, the general recommendations of the International Civil Aviation Conference, convened in Chicago, November 1, 1944, and such recommendations as will be made through the continuing study of the Council.

ARTICLE 14.—*Withdrawal*

Any member State, a party to the present Agreement, may withdraw therefrom on six months' notice given by it to the Secretary General, who shall at once inform all the member States of the Organization of such notice of withdrawal.

ARTICLE 15.—*Definitions*

For the purpose of this Agreement the expression:

(a) "Air service" means any scheduled air service performed by air-

craft for the public transport of passengers, mail or cargo.

(b) "International air service" means an air service which passes through the airspace over the territory of more than one State.

(c) "Airline" means any air transport enterprise offering or operating an international air service.

ARTICLE 16.—*Election of First Interim Council*

The first Interim Council shall be composed of the States elected for that purpose by the International Civil Aviation Conference convened in Chicago on November 1, 1944, provided that no State thus elected shall become a member of the Council until it has accepted the present Agreement and unless such acceptance has taken place within six months after December 7, 1944. In no case shall the term of office of a State as a member of the first Interim Council begin before or go beyond the period of two years, starting from the coming into force of the present Agreement.

Each State so elected to the Interim Council shall take its seat in the Council upon acceptance by that State of this Agreement or upon the entry into force of this Agreement, whichever is the later date, and it shall hold its seat until the end of the two years following the coming into force of this Agreement: provided, that any State so elected to the Council which does not accept this Agreement within six months after the above-mentioned election shall not become a member of the Council and the seat shall remain vacant until the next meeting of the Assembly.

ARTICLE 17.—*Signatures and Acceptances of Agreement*

The undersigned delegates to the International Civil Aviation Conference, convened in Chicago on

November 1, 1944, have affixed their signatures to the present Interim Agreement with the understanding that the Government of the United States of America shall be informed at the earliest possible date by each of the governments on whose behalf the Agreement has been signed whether signature on its behalf shall constitute an acceptance of the Agreement by that government and an obligation binding upon it.

Any State, a member of the United Nations and any State associated with them, as well as any State which remained neutral during the present world conflict, not a signatory to this Agreement, may accept the present Agreement as an obligation binding upon it by notification of its acceptance to the Government of the United States, and such acceptance shall become effective upon the date of the receipt of such notification by that Government.

The present Interim Agreement shall come into force when it has been accepted by twenty-six States. Thereafter it will become binding as to each other State indicating its acceptance to the Government of the United States on the date of the receipt of the acceptance by that Government.

The Government of the United States shall inform all governments represented at the International Civil Aviation Conference referred to of the date on which the present Interim Agreement comes into force and shall likewise notify them of all acceptances of the Agreement.

IN WITNESS WHEREOF, the undersigned, having been duly authorized, sign this Agreement on behalf of their respective governments on the dates appearing opposite their signatures.

Done at Chicago the seventh day of December 1944, in the English language.¹ A text drawn up in the English, French, and Spanish lan-

¹ The following note is inserted at this point in *U.S. Executive Agreement Series*, No. 469, from which the text of the present Agreement is reproduced: "The present publication was

guages, each of which shall be of equal authenticity, shall be opened for signature at Washington, D. C. Both texts shall be deposited in the archives of the Government of the

United States of America, and certified copies shall be transmitted by that Government to the governments of all the States which may sign and accept this Agreement.

[Signed:²] For **Afghanistan**: A. HOSAYN AZIZ; for the Government of the **Commonwealth of Australia**: (Subject to confirmation by Australian Government) ARTHUR S. DRAKEFORD; for **Belgium**: [April 9, 1945]; for **Bolivia**: TCNL. A. PACHECO; for **Brazil**: [May 29, 1945]; for **Canada**: H. J. SYMINGTON; for **Chile**: R. SAENZ, G. BISQUERT, R. MAGALLANES B.; for **China**: CHANG KIA NGAU; for **Colombia**: [May 24, 1945]; for **Costa Rica**: [March 10, 1945]; for **Cuba**: [April 20, 1945]; for **Czechoslovakia**: [April 18, 1945]; for the **Dominican Republic**: C. A. McLAUGHLIN; for **Ecuador**: J. A. CORREA; for **Egypt**: M. HASSAN, M. ROUSHDY, M. A. KHALIFA; for **El Salvador**: [May 9, 1945]; for **Ethiopia**: [March 22, 1945]; for **France**: M. HYMANS, C. LEBEL, P. LOCUSSOL, BOURGES; for **Greece**: D. NOTI BOTZARIZ, A. J. ARGYROPOULOS; for **Guatemala**: [January 30, 1945]; for **Haiti**: EDOUARD ROY; for **Honduras**: E. P. LEFEBVRE; for **Iceland**: THOR THORS; for **India**: G. BEWOOR; for **Iran**: M. SHAYESTEH; for **Iraq**: ALI JAWDAT; for **Ireland**: ROBT. BRENNAN, JOHN LEYDON, JOHN J. HEARNE, T. J. O'DRISCOLL; for **Lebanon**: C. CHAMOUN, F. EL-HOSS; for **Liberia**: WALTER F. WALKER; for **Luxembourg**: [July 9, 1945]; for **Mexico**: PEDRO A. CHAPA; for the **Netherlands**: M. STEENBERGHE, COPES, F. E. ARONSTEIN; for the Government of **New Zealand**: DANIEL GILES SULLIVAN; for **Nicaragua**: R. E. FRIZELL; for **Norway**: [January 30, 1945]; for **Panama**: [May 14, 1945]; for **Paraguay**: [July 27, 1945]; for **Peru**: A. REVOREDO, J. S. KOECHLIN, LUIS ALVARADO, F. ELGUERA, GUILLERMO VAN OORDT; for the **Philippine Commonwealth**: J. HERNANDEZ, URBANO A. ZAFRA, J. H. FOLEY; for **Poland**: ZBYSLAW CIOLKOSZ, DR. H. J. GORECKI, STEFAN J. KONORSKI, WITOLD A. URBANOWICZ, LUDWIK H. GOTTLIEB; for **Portugal**: MÁRIO DE FIGUEIREDO, ALFREDO DELESQUE DOS SANTOS CINTRA, DUARTE DE GUSMÃO, VASCO VIEIRA GARIN; for **Spain**: E. TERRADAS, GERMÁN BARAIBAR; for **Sweden**: R. KUMLIN; for **Switzerland**: CHARLES BRUGGMANN; for **Syria**: KAHALE; for **Turkey**: S. KOCAK, F. SAHINBAS, ORHAN H. EROL; for the **Union of South Africa**: [June 4, 1945]; for the Government of the **United Kingdom of Great Britain and Northern Ireland**: SWINTON; for the **United States of America**: ADOLF A. BERLE, JR., ALFRED L. BULWINKLE, CHAS. A. WOLVERTON, F. LA GUARDIA, EDWARD WARNER, L. WELCH POGUE, WILLIAM A. M. BURDEN; for **Uruguay**: CARL CARBAJAL, COL. MEDARDO R. FARIAS; for **Venezuela**: (La Delegación de Venezuela firma *ad referendum* y deja constancia de que la aprobación de este documento por su Gobierno está sujeta a las disposiciones constitucionales de los Estados Unidos de Venezuela.) F. J. SUCRE, J. BLANCO USTÁRIZ; for **Denmark**: HENRIK KAUFFMANN; for **Thailand**: M. R. SENI PRAMOJ.

printed from a lithographed certified copy of the signed original, prepared by the Department of State under date of Jan. 22, 1945. Signatures affixed to the original document subsequent to that date do not appear herein, but the dates of those signatures have been indicated in footnotes." For convenience in the present volume these dates have been inserted in brackets within the paragraph listing the signatories of the Agreement rather than in the form of footnotes.—Ed.

² See note 1, above.

No. 640

CONVENTION on International Civil Aviation. Opened for signature at Chicago, December 7, 1944.

CONVENTION relative à l'aviation civile internationale. Ouverte à la signature à Chicago, 7 décembre 1944.

EDITOR'S NOTE. This Convention was formulated at the International Civil Aviation Conference held at Chicago, November 1–December 7, 1944. The first Assembly of ICAO, which met at Montreal May 6–27, 1947, adopted an amendment to the Convention (No. 640a, *post*). An interim agreement on the same subject (No. 639, *ante*), and agreements on air services transit and air transport (Nos. 641, 642, *post*) were also concluded at the Chicago Conference. For the text of the Paris convention on aerial navigation of 1919, and of the Habana convention on commercial aviation of 1928, denounced by several states in accordance with Article 80 of this Convention, see Nos. 9 and 187, *ante*; cf. Nos. 412, 413, *ante*. For other agreements relating to international aviation, see Nos. 170, 235, 326, 328, 436, 531, 532, 554, *ante*; No. 644, *post*.

RATIFICATIONS. On February 28, 1949, ratifications of or accessions to this Convention had been deposited at Washington by Afghanistan, Argentine Republic, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Canada, Ceylon, Chile, China, Colombia, Czechoslovakia, Denmark, Dominican Republic, Egypt, El Salvador, Ethiopia, France, Great Britain, Greece, Guatemala, Haiti, Iceland, India, Iraq, Ireland, Italy, Liberia, Luxemburg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, South Africa, Spain (see No. 640a, *post*), Sweden, Switzerland (including Liechtenstein), Thailand, Transjordan, Turkey, the United States of America, and Venezuela.

BIBLIOGRAPHY. The text of this Convention is also published in U.S. Department of State, Publication No. 2282, Conference Series No. 64, p. 59; *Br. Parl. Papers*, Misc. No. 6 (1945), Cmd. 6614; Canada, *Treaty Series*, 1944, No. 36, p. 34.

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Entered into force April 4, 1947.¹

Text and translation from 15 *U.N. Treaty Series*, p. 295.

[Traduction]

PREAMBLE

PRÉAMBULE

Whereas the future development of international civil aviation can Considérant que le développement futur de l'aviation civile interna-

¹ Filed with the Secretariat of the United Nations, No. 102, April 19, 1948.

greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to the general security; and

Whereas it is desirable to avoid friction and to promote that cooperation between nations and peoples upon which the peace of the world depends;

Therefore, the undersigned governments having agreed on certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically;

Have accordingly concluded this Convention to that end.

PART I

AIR NAVIGATION

CHAPTER I

GENERAL PRINCIPLES AND APPLICATION OF THE CONVENTION

ARTICLE 1.—*Sovereignty*

The contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory.

ARTICLE 2.—*Territory*

For the purposes of this Convention the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State.

ARTICLE 3.—*Civil and state aircraft*

(a) This Convention shall be applicable only to civil aircraft, and shall not be applicable to state aircraft.

tionale peut contribuer puissamment à faire naître et à maintenir entre les nations et les peuples du monde l'amitié et la compréhension, alors que tout abus qui en serait fait peut devenir un danger pour la sécurité générale, et

Considérant qu'il est désirable d'éviter tout désaccord entre nations et entre peuples et de développer entre eux cette coopération dont dépend la paix du monde,

En conséquence, les Gouvernements soussignés étant convenus de certains principes et arrangements, afin que l'aviation civile internationale puisse se développer d'une manière sûre et ordonnée et que les services internationaux de transports aériens puissent être établis en donnant à tous des chances égales, et exploités d'une manière saine et économique;

Ont conclu la présente Convention à ces fins.

PREMIÈRE PARTIE

NAVIGATION AÉRIENNE

CHAPITRE I

PRINCIPES GÉNÉRAUX ET APPLICATION DE LA CONVENTION

ARTICLE 1.—*Souveraineté*

Les Etats contractants reconnaissent que chaque Etat a la souveraineté complète et exclusive sur l'espace aérien au-dessus de son territoire.

ARTICLE 2.—*Territoire*

Aux fins de la présente Convention, il faut entendre par territoire d'un Etat les régions terrestres et les eaux territoriales y adjacentes placées sous la souveraineté, la suzeraineté, la protection ou le mandat dudit Etat.

ARTICLE 3.—*Aéronefs civils et aéronefs d'Etat*

a) La présente Convention ne s'applique qu'aux aéronefs civils et ne s'applique pas aux aéronefs d'Etat.

(b) Aircraft used in military, customs and police services shall be deemed to be state aircraft.

(c) No state aircraft of a contracting State shall fly over the territory of another State or land thereon without authorization by special agreement or otherwise, and in accordance with the terms thereof.

(d) The contracting States undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft.

ARTICLE 4.—*Misuse of civil aviation*

Each contracting State agrees not to use civil aviation for any purpose inconsistent with the aims of this Convention.

CHAPTER II

FLIGHT OVER TERRITORY OF CONTRACTING STATES

ARTICLE 5.—*Right of non-scheduled flight*

Each contracting State agrees that all aircraft of the other contracting States, being aircraft not engaged in scheduled international air services shall have the right, subject to the observance of the terms of this Convention, to make flights into or in transit non-stop across its territory and to make stops for non-traffic purposes without the necessity of obtaining prior permission, and subject to the right of the State flown over to require landing. Each contracting State nevertheless reserves the right, for reasons of safety of flight, to require aircraft desiring to proceed over regions which are inaccessible or without adequate air navigation facilities to follow prescribed routes, or to obtain special permission for such flights.

b) Les aéronefs militaires et ceux de douane ou de police sont considérés comme aéronefs d'Etat.

c) Aucun aéronef d'Etat d'un Etat contractant ne peut survoler le territoire d'un autre Etat ou y atterrir sans en avoir obtenu l'autorisation par voie d'accord spécial ou de toute autre manière, et conformément aux conditions ainsi stipulées.

d) Les Etats contractants s'engagent à tenir dûment compte de la sécurité de la navigation des aéronefs civils, lorsqu'ils établiront des règlements pour leurs aéronefs d'Etat.

ARTICLE 4.—*Emploi abusif de l'aviation civile*

Chaque Etat contractant s'engage à ne pas employer l'aviation civile à des fins incompatibles avec les buts de la présente Convention.

CHAPITRE II

SURVOL DES TERRITOIRES DES ETATS CONTRACTANTS

ARTICLE 5.—*Droit de survol pour les aéronefs n'assurant pas des services réguliers*

Chaque Etat contractant convient que tous les aéronefs des autres Etats contractants qui ne sont pas employés à des services aériens internationaux réguliers ont le droit de pénétrer sur son territoire, ou de le traverser en transit sans escale, et d'y faire des escales non commerciales sans avoir à obtenir une autorisation préalable, à condition que soient respectés les termes de la présente Convention et sous réserve du droit pour l'Etat survolé d'exiger un atterrissage. Néanmoins, chaque Etat contractant se réserve, pour des raisons de sécurité de vol, le droit d'exiger que les aéronefs qui désirent survoler des régions inaccessibles, ou non pourvues de facilités adéquates pour la navigation aérienne, suivent les routes prescrites ou obtiennent une autorisation spéciale.

Such aircraft, if engaged in the carriage of passengers, cargo, or mail for remuneration or hire on other than scheduled international air services, shall also, subject to the provisions of Article 7, have the privilege of taking on or discharging passengers, cargo, mail, subject to the right of any State where such embarkation or discharge takes place to impose such regulations, conditions or limitations as it may consider desirable.

ARTICLE 6.—*Scheduled air services*

No scheduled international air service may be operated over or into the territory of a contracting State, except with the special permission or other authorization of that State, and in accordance with the terms of such permission or authorization.

ARTICLE 7.—*Cabotage*

Each contracting State shall have the right to refuse permission to the aircraft of other contracting States to take on in its territory passengers, mail and cargo carried for remuneration or hire and destined for another point within its territory. Each contracting State undertakes not to enter into any arrangements which specifically grant any such privilege on an exclusive basis to any other State or an airline of any other State, and not to obtain any such exclusive privilege from any other State.

ARTICLE 8.—*Pilotless aircraft*

No aircraft capable of being flown without a pilot shall be flown with-

Si lesdits aéronefs assurent le transport de passagers, de marchandises ou de courrier, moyennant rémunération ou en exécution d'un contrat de location, en dehors des services aériens internationaux réguliers, ils auront aussi le privilège, sous réserve des dispositions de l'article 7, d'embarquer ou de débarquer des passagers, des marchandises ou du courrier, sous réserve du droit pour l'Etat où a lieu l'embarquement ou le débarquement d'imposer telles réglementations, conditions ou restrictions qu'il pourra juger souhaitables.

ARTICLE 6.—*Services aériens réguliers*

Aucun service aérien international régulier ne peut être exploité au-dessus du territoire d'un Etat contractant ou à l'intérieur de celui-ci, sauf avec une permission spéciale ou toute autre autorisation dudit Etat et à condition de se conformer aux termes de ladite permission ou autorisation.

ARTICLE 7.—*Cabotage*

Chaque Etat contractant a le droit de refuser aux aéronefs d'autres Etats contractants la permission d'embarquer sur son territoire des passagers, du courrier ou des marchandises pour les transporter à destination d'un autre point situé à l'intérieur de son territoire, moyennant rémunération ou en exécution d'un contrat de location. Chaque Etat contractant s'engage d'une part à ne conclure aucun arrangement aux termes duquel tout privilège de cette nature serait expressément accordé, sur la base de l'exclusivité, à un autre Etat ou à une entreprise de transports aériens d'un autre Etat, et d'autre part à ne pas se faire octroyer un tel privilège exclusif par un autre Etat.

ARTICLE 8.—*Aéronefs sans pilote*

Aucun aéronef susceptible de voler sans pilote ne peut survoler sans

out a pilot over the territory of a contracting State without special authorization by that State and in accordance with the terms of such authorization. Each contracting State undertakes to insure that the flight of such aircraft without a pilot in regions open to civil aircraft shall be so controlled as to obviate danger to civil aircraft.

ARTICLE 9.—*Prohibited areas*

(a) Each contracting State may, for reasons of military necessity or public safety, restrict or prohibit uniformly the aircraft of other States from flying over certain areas of its territory, provided that no distinction in this respect is made between the aircraft of the State whose territory is involved, engaged in international scheduled airline services, and the aircraft of the other contracting States likewise engaged. Such prohibited areas shall be of reasonable extent and location so as not to interfere unnecessarily with air navigation. Descriptions of such prohibited areas in the territory of a contracting State, as well as any subsequent alterations therein, shall be communicated as soon as possible to the other contracting States and to the International Civil Aviation Organization.

(b) Each contracting State reserves also the right, in exceptional circumstances or during a period of emergency, or in the interest of public safety, and with immediate effect, temporarily to restrict or prohibit flying over the whole or any part of its territory, on condition that such restriction or prohibition shall be applicable without distinction of nationality to aircraft of all other States.

(c) Each contracting State, under

pilote le territoire d'un Etat contractant à moins d'une autorisation spéciale dudit Etat et conformément aux termes de ladite autorisation. Chaque Etat contractant s'engage à prendre les mesures nécessaires pour que le vol sans pilote d'un tel aéronef dans des régions ouvertes aux aéronefs civils soit soumis à contrôle de manière à éviter tout danger pour les aéronefs civils.

ARTICLE 9.—*Zones interdites*

a) Chaque Etat contractant peut, pour des raisons de nécessité militaire ou dans l'intérêt de la sécurité publique, restreindre ou interdire d'une manière uniforme pour tous aéronefs d'autres Etats le survol de certaines zones de son territoire, étant entendu qu'il ne sera fait aucune distinction à cet égard entre les aéronefs de l'Etat en question employés à des services aériens internationaux réguliers et les aéronefs des autres Etats contractants employés à des services similaires. Lesdites zones interdites devront avoir une étendue et un emplacement raisonnables de façon à ne pas gêner inutilement la navigation aérienne. La définition desdites zones interdites situées sur le territoire d'un Etat contractant et toutes les modifications dont elles pourraient faire l'objet par la suite doivent être communiquées dès que possible aux autres Etats contractants ainsi qu'à l'Organisation de l'aviation civile internationale.

b) Chaque Etat contractant se réserve également le droit, dans des circonstances exceptionnelles ou pendant une période de crise ou encore dans l'intérêt de la sécurité publique, de restreindre ou d'interdire provisoirement, et avec effet immédiat, le survol de son territoire ou d'une partie de celui-ci, à condition que cette restriction ou interdiction soit applicable, sans distinction de nationalité, aux aéronefs de tous les autres Etats.

c) Chaque Etat contractant peut,

such regulations as it may prescribe, may require any aircraft entering the areas contemplated in subparagraphs (a) or (b) above to effect a landing as soon as practicable thereafter at some designated airport within its territory.

ARTICLE 10.—*Landing at customs airport*

Except in a case where, under the terms of this Convention or a special authorization, aircraft are permitted to cross the territory of a contracting State without landing, every aircraft which enters the territory of a contracting State shall, if the regulations of that State so require, land at an airport designated by that State for the purpose of customs and other examination. On departure from the territory of a contracting State, such aircraft shall depart from a similarly designated customs airport. Particulars of all designated customs airports shall be published by the State and transmitted to the International Civil Aviation Organization established under Part II of this Convention for communication to all other contracting States.

ARTICLE 11.—*Applicability of air regulations*

Subject to the provisions of this Convention, the laws and regulations of a contracting State relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of all contracting States without distinction as to nationality, and shall be complied with by such aircraft upon entering or departing from or while within the territory of that State.

dans des conditions qu'il a la faculté de déterminer, exiger que tout aéronef qui pénètre dans les zones visées aux alinéas a) et b) ci-dessus, atterrisse aussitôt que possible sur un aéroport désigné à l'intérieur de son territoire.

ARTICLE 10.—*Atterrissage sur un aéroport douanier*

En dehors du cas où, aux termes de la présente Convention ou d'une autorisation spéciale, des aéronefs ont la permission de traverser le territoire d'un Etat contractant sans y atterrir, tout aéronef qui pénètre sur le territoire d'un Etat contractant doit, si les règlements dudit Etat l'exigent, atterrir sur un aéroport désigné par cet Etat aux fins d'inspections douanières et autres. En quittant le territoire d'un Etat contractant, tout aéronef doit partir d'un aéroport douanier désigné de la même manière. Les caractéristiques de tous les aéroports désignés comme aéroports douaniers doivent être publiées par chaque Etat et transmises à l'Organisation de l'aviation civile internationale instituée en vertu des dispositions de la deuxième partie de la présente Convention, qui en donnera communication à tous les autres Etats contractants.

ARTICLE 11.—*Application des règlements relatifs à la navigation aérienne*

Sous réserve des dispositions de la présente Convention, les lois et règlements d'un Etat contractant régissant sur son territoire l'entrée et la sortie des aéronefs employés à la navigation aérienne internationale, ou régissant l'exploitation et la navigation desdits aéronefs pendant leur séjour à l'intérieur de son territoire, s'appliquent, sans distinction de nationalité, aux aéronefs de tous les Etats contractants, et lesdits aéronefs doivent s'y conformer à l'entrée, à la sortie et à l'intérieur du territoire de cet Etat.

ARTICLE 12.—*Rules of the air*

Each contracting State undertakes to adopt measures to insure that every aircraft flying over or maneuvering within its territory and that every aircraft carrying its nationality mark, wherever such aircraft may be, shall comply with the rules and regulations relating to the flight and maneuver of aircraft there in force. Each contracting State undertakes to keep its own regulations in these respects uniform, to the greatest possible extent, with those established from time to time under this Convention. Over the high seas, the rules in force shall be those established under this Convention. Each contracting State undertakes to insure the prosecution of all persons violating the regulations applicable.

ARTICLE 13.—*Entry and clearance regulations*

The laws and regulations of a contracting State as to the admission to or departure from its territory of passengers, crew or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo upon entrance into or departure from, or while within the territory of that State.

ARTICLE 14.—*Prevention of spread of disease*

Each contracting State agrees to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, plague, and such other communicable diseases as the contracting States shall from time to time decide to designate, and to that end contracting States will keep in close consultation with the agencies

ARTICLE 12.—*Règles de l'air*

Chaque Etat contractant s'engage à adopter des mesures propres à assurer que tout aéronef survolant son territoire ou y manœuvrant, ainsi que tout aéronef portant la marque de sa nationalité, en quelque lieu qu'il se trouve, se conforme aux règles et règlements applicables en ce lieu au vol et à la manœuvre des aéronefs. Chaque Etat contractant prend l'engagement de veiller à ce que ses propres règlements demeurent à cet égard et dans la plus grande mesure possible conformes à ceux qui seront établis de temps à autre en application de la présente Convention. En haute mer, les règles applicables seront les règles établies conformément à la présente Convention. Chaque Etat contractant s'engage à poursuivre toutes les personnes qui enfreindront les règlements applicables.

ARTICLE 13.—*Règlements d'entrée et de congé*

Les lois et règlements d'un Etat contractant régissant, sur son territoire, l'entrée ou la sortie des passagers, des équipages ou des marchandises transportés par aéronefs, tels que les lois et règlements relatifs aux formalités d'entrée, de congé, d'immigration, de passeports, de douane et de quarantaine, doivent être observés par lesdits passagers ou équipages ou pour lesdites marchandises, à l'entrée, à la sortie ou à l'intérieur du territoire de cet Etat.

ARTICLE 14.—*Protection contre la propagation des maladies*

Chaque Etat contractant s'engage à prendre des mesures efficaces pour prévenir la propagation, par l'intermédiaire de la navigation aérienne, du choléra, du typhus (épidémique), de la variole, de la fièvre jaune, de la peste, ainsi que de toute autre maladie contagieuse qu'il appartiendra aux Etats contractants, le cas échéant, de désigner. A cette fin,

concerned with international regulations relating to sanitary measures applicable to aircraft. Such consultation shall be without prejudice to the application of any existing international convention on this subject to which the contracting States may be parties.

ARTICLE 15.—*Airport and similar charges*

Every airport in a contracting State which is open to public use by its national aircraft shall likewise, subject to the provisions of Article 68, be open under uniform conditions to the aircraft of all the other contracting States. The like uniform conditions shall apply to the use, by aircraft of every contracting State, of all air navigation facilities, including radio and meteorological services, which may be provided for public use for the safety and expedition of air navigation.

Any charges that may be imposed or permitted to be imposed by a contracting State for the use of such airports and air navigation facilities by the aircraft of any other contracting State shall not be higher,

(a) As to aircraft not engaged in scheduled international air services, than those that would be paid by its national aircraft of the same class engaged in similar operations, and

(b) As to aircraft engaged in scheduled international air services, than those that would be paid by its national aircraft engaged in similar international air services.

All such charges shall be published and communicated to the Interna-

les Etats contractants se tiendront en étroite consultation avec les organismes chargés des règlements internationaux relatifs aux mesures sanitaires applicables aux aéronefs. Ces consultations n'affecteront en rien l'application de toute convention internationale existante en la matière à laquelle les Etats contractants pourraient être parties.

ARTICLE 15.—*Taxes d'aéroports et droits similaires*

Tout aéroport d'un Etat contractant qui est ouvert aux aéronefs nationaux de cet Etat aux fins d'usage public est, sous réserve des dispositions de l'article 68, également ouvert dans des conditions uniformes aux aéronefs de tous les autres Etats contractants. Des conditions également uniformes sont applicables en ce qui concerne l'utilisation par les aéronefs de chaque Etat contractant de toutes les facilités pour la navigation aérienne, y compris les services radioélectriques et météorologiques, qui peuvent être mises à la disposition du public pour contribuer à la sécurité et à la rapidité de la navigation aérienne.

Les taxes qu'un Etat contractant peut imposer ou permettre d'imposer pour l'utilisation desdits aéroports et facilités pour la navigation aérienne par les aéronefs de tout autre Etat contractant ne doivent pas être plus élevées:

a) Pour ce qui est des aéronefs qui ne sont pas employés à des services aériens internationaux réguliers, que les droits acquittés par ses aéronefs nationaux de même classe employés à des services similaires; et

b) Pour ce qui est des aéronefs employés à des services aériens internationaux réguliers, que les droits acquittés par ses aéronefs nationaux employés à des services internationaux similaires.

Toutes ces taxes seront publiées et communiquées à l'Organisation de

tional Civil Aviation Organization: provided that, upon representation by an interested contracting State, the charges imposed for the use of airports and other facilities shall be subject to review by the Council, which shall report and make recommendations thereon for the consideration of the State or States concerned. No fees, dues or other charges shall be imposed by any contracting State in respect solely of the right of transit over or entry into or exit from its territory of any aircraft of a contracting State or persons or property thereon.

ARTICLE 16.—*Search of Aircraft*

The appropriate authorities of each of the contracting States shall have the right, without unreasonable delay, to search aircraft of the other contracting States on landing or departure, and to inspect the certificates and other documents prescribed by this Convention.

CHAPTER III

NATIONALITY OF AIRCRAFT

ARTICLE 17.—*Nationality of aircraft*

Aircraft have the nationality of the State in which they are registered.

ARTICLE 18.—*Dual registration*

An aircraft cannot be validly registered in more than one State, but its registration may be changed from one State to another.

ARTICLE 19.—*National laws governing registration*

The registration or transfer of registration of aircraft in any contracting State shall be made in accordance with its laws and regulations.

l'aviation civile internationale, étant entendu que, sur représentation d'un Etat contractant intéressé, les taxes imposées pour l'utilisation des aéroports et autres facilités feront l'objet d'un examen par le Conseil, qui établira un rapport et formulera des recommandations à ce sujet aux fins d'examen par l'Etat ou les Etats intéressés. Aucun Etat contractant n'imposera de droits, frais ou autres taxes uniquement en raison du droit de transit ou d'entrée, au-dessus du territoire ou sur celui-ci, ou de sortie hors de celui-ci d'un aéronef quelconque d'un Etat contractant, ou des personnes ou biens se trouvant à bord.

ARTICLE 16.—*Visite des aéronefs*

Les autorités compétentes de chacun des Etats contractants ont le droit de visiter, à l'atterrissage et au départ, sans provoquer de retard excessif, les aéronefs des autres Etats contractants, ainsi que d'examiner les certificats et autres documents prescrits par la présente Convention.

CHAPITRE III

NATIONALITÉ DES AÉRONEFS

ARTICLE 17.—*Nationalité des aéronefs*

Les aéronefs ont la nationalité de l'Etat dans lequel ils sont immatriculés.

ARTICLE 18.—*Immatriculation multiple*

Un aéronef ne peut être valablement immatriculé dans plusieurs Etats. Toutefois, son immatriculation peut être transférée d'un Etat à un autre.

ARTICLE 19.—*Lois nationales régissant l'immatriculation*

L'immatriculation ou le transfert d'immatriculation d'un aéronef dans un Etat contractant quelconque s'effectuera conformément aux lois et règlements dudit Etat.

ARTICLE 20.—*Display of marks*

Every aircraft engaged in international air navigation shall bear its appropriate nationality and registration marks.

ARTICLE 21.—*Report of registrations*

Each contracting State undertakes to supply to any other contracting State or to the International Civil Aviation Organization, on demand, information concerning the registration and ownership of any particular aircraft registered in that State. In addition, each contracting State shall furnish reports to the International Civil Aviation Organization, under such regulations as the latter may prescribe, giving such pertinent data as can be made available concerning the ownership and control of aircraft registered in that State and habitually engaged in international air navigation. The data thus obtained by the International Civil Aviation Organization shall be made available by it on request to the other contracting States.

CHAPTER IV**MEASURES TO FACILITATE AIR
NAVIGATION****ARTICLE 22.—*Facilitation of
formalities***

Each contracting State agrees to adopt all practicable measures, through the issuance of special regulations or otherwise, to facilitate and expedite navigation by aircraft between the territories of contracting States, and to prevent unnecessary delays to aircraft, crews, passengers and cargo, especially in the administration of the laws relating to immigration, quarantine, customs and clearance.

ARTICLE 20.—*Port des marques*

Tout aéronef employé à la navigation aérienne internationale portera les marques de nationalité et d'immatriculation qui lui sont propres.

**ARTICLE 21.—*Communication des
immatriculations***

Chaque Etat contractant s'engage à fournir, sur demande, à tout autre Etat contractant ou à l'Organisation de l'aviation civile internationale, des renseignements concernant l'immatriculation et la propriété de tout aéronef immatriculé dans ledit Etat. De plus, chaque Etat contractant fournira à l'Organisation de l'aviation civile internationale, conformément aux règles que cette dernière pourrait prescrire, des rapports donnant tous les renseignements pertinents qu'il lui sera possible de fournir concernant la propriété et le contrôle des aéronefs immatriculés dans cet Etat et normalement affectés à la navigation aérienne internationale. L'Organisation de l'aviation civile internationale mettra les renseignements ainsi obtenus à la disposition des autres Etats contractants sur leur demande.

CHAPITRE IV**MESURES DESTINÉES À FACILITER LA
NAVIGATION AÉRIENNE****ARTICLE 22.—*Simplification des
formalités***

Chaque Etat contractant s'engage à adopter, par la promulgation de règlements spéciaux ou de toute autre manière, toutes mesures pratiques tendant à faciliter et à accélérer la navigation par aéronef entre les territoires des Etats contractants, ainsi qu'à éviter des retards inutiles aux aéronefs, à leurs équipages, à leurs passagers et à leur cargaison, spécialement en ce qui concerne l'application des lois relatives à l'immigration, à la quarantaine, aux douanes et aux formalités de congé.

ARTICLE 23.—Customs and immigration procedures

Each contracting State undertakes, so far as it may find practicable, to establish customs and immigration procedures affecting international air navigation in accordance with the practices which may be established or recommended from time to time, pursuant to this Convention. Nothing in this Convention shall be construed as preventing the establishment of customs-free airports.

ARTICLE 24.—Customs duty

(a) Aircraft on a flight to, from, or across the territory of another contracting State shall be admitted temporarily free of duty, subject to the customs regulations of the State. Fuel, lubricating oils, spare parts, regular equipment and aircraft stores on board an aircraft of a contracting State, on arrival in the territory of another contracting State and retained on board on leaving the territory of that State shall be exempt from customs duty, inspection fees or similar national or local duties and charges. This exemption shall not apply to any quantities or articles unloaded, except in accordance with the customs regulations of the State, which may require that they shall be kept under customs supervision.

(b) Spare parts and equipment imported into the territory of a contracting State for incorporation in or use on an aircraft of another contracting State engaged in international air navigation shall be admitted free of customs duty, subject

ARTICLE 23.—Formalités de douane et d'immigration

Chaque Etat contractant s'engage, dans la mesure où il le jugera réalisable, à établir des règlements de douane et d'immigration s'appliquant à la navigation aérienne internationale, conformément aux méthodes qui pourraient être établies ou recommandées de temps à autre en application de la présente Convention. Aucune disposition de la présente Convention ne peut être interprétée comme empêchant la création d'aéroports francs.

ARTICLE 24.—Droits de douane

a) Tout aéronef effectuant un voyage à destination ou en provenance du territoire d'un autre Etat contractant, ou à travers ledit territoire, est temporairement admis en franchise de douane, dans les conditions prévues par les règlements douaniers de cet Etat. Les carburants, les huiles lubrifiantes, les pièces de rechange, l'équipement normal et les approvisionnements de bord se trouvant à bord d'un aéronef d'un Etat contractant, à son arrivée sur le territoire d'un autre Etat contractant et se trouvant encore à bord dudit aéronef lors de son départ de ce territoire, sont exonérés des droits de douane, frais de visite ou autres droits et taxes similaires imposés par l'Etat ou les autorités locales. Cette exonération ne s'applique pas aux quantités ou aux objets déchargés, sauf dispositions contraires des règlements douaniers de cet Etat, lesquels peuvent stipuler que lesdites quantités ou objets seront gardés sous la surveillance de la douane.

b) Les pièces de rechange et l'équipement importés dans le territoire d'un Etat contractant pour être montés ou utilisés sur un aéronef d'un autre Etat contractant employé à la navigation aérienne internationale sont admis en fran-

to compliance with the regulations of the State concerned, which may provide that the articles shall be kept under customs supervision and control.

ARTICLE 25.—*Aircraft in distress*

Each contracting State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable, and to permit, subject to control by its own authorities, the owners of the aircraft or authorities of the State in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances. Each contracting State, when undertaking search for missing aircraft, will collaborate in coordinated measures which may be recommended from time to time pursuant to this Convention.

ARTICLE 26.—*Investigation of accidents*

In the event of an accident to an aircraft of a contracting State occurring in the territory of another contracting State, and involving death or serious injury, or indicating serious technical defect in the aircraft or air navigation facilities, the State in which the accident occurs will institute an inquiry into the circumstances of the accident, in accordance, so far as its laws permit, with the procedure which may be recommended by the International Civil Aviation Organization. The State in which the aircraft is registered shall be given the opportunity to appoint observers to be present at the inquiry and the State holding the inquiry shall communicate the report and findings in the matter to that State.

chise de douane, sous réserve de l'observation des règlements de l'Etat intéressé, lesquels peuvent stipuler que les articles en question seront gardés sous la surveillance et le contrôle de la douane.

ARTICLE 25.—*Aéronefs en détresse*

Chaque Etat contractant s'engage à fournir toute l'assistance qu'il jugera possible aux aéronefs en détresse sur son territoire et, sous réserve de l'exercice d'un droit de contrôle par ses propres autorités, à permettre aux propriétaires ou aux autorités de l'Etat dans lequel l'aéronef est immatriculé de fournir les mesures d'assistance que les circonstances pourraient nécessiter. Chaque Etat contractant, lorsqu'il entreprendra des recherches pour retrouver des aéronefs disparus, participera aux mesures coordonnées qui pourront être recommandées de temps à autre en application de la présente Convention.

ARTICLE 26.—*Enquête sur accidents*

En cas d'accident survenu à un aéronef d'un Etat contractant sur le territoire d'un autre Etat contractant, entraînant mort ou blessures graves, ou indiquant l'existence de graves imperfections techniques dans l'aéronef ou dans les facilités pour la navigation aérienne, l'Etat sur le territoire duquel l'accident s'est produit ouvre une enquête sur les circonstances de l'accident, en se conformant, dans la mesure où ses lois le permettent, à la procédure qui pourra être recommandée par l'Organisation de l'aviation civile internationale. Il sera accordé à l'Etat dans lequel l'aéronef est immatriculé la possibilité de désigner des observateurs pour assister à l'enquête, et l'Etat qui procédera à cette enquête communiquera à l'autre Etat le rapport et les conclusions concernant l'accident.

ARTICLE 27.—*Exemption from seizure on patent claims*

(a) While engaged in international air navigation, any authorized entry of aircraft of a contracting State into the territory of another contracting State or authorized transit across the territory of such State with or without landings shall not entail any seizure or detention of the aircraft or any claim against the owner or operator thereof or any other interference therewith by or on behalf of such State or any person therein, on the ground that the construction, mechanism, parts, accessories or operation of the aircraft is an infringement of any patent, design, or model duly granted or registered in the State whose territory is entered by the aircraft, it being agreed that no deposit of security in connection with the foregoing exemption from seizure or detention of the aircraft shall in any case be required in the State entered by such aircraft.

(b) The provisions of paragraph (a) of this Article shall also be applicable to the storage of spare parts and spare equipment for the aircraft and the right to use and install the same in the repair of an aircraft of a contracting State in the territory of any other contracting State, provided that any patented part or equipment so stored shall not be sold or distributed internally in or exported commercially from the contracting State entered by the aircraft.

(c) The benefits of this Article shall apply only to such States, parties to this Convention, as either (1) are parties to the International Convention for the Protection of Industrial Property and to any amendments thereof; or (2) have enacted patent laws which recognize and give adequate protection to

ARTICLE 27.—*Exemption de saisie pour contrefaçon de brevet d'invention*

a) Lorsqu'un aéronef d'un Etat contractant est employé à la navigation aérienne internationale, l'entrée autorisée sur le territoire d'un autre Etat contractant ou le transit autorisé à travers ledit territoire avec ou sans atterrissage ne peut donner lieu ni à saisie ou rétention de l'aéronef, ni à réclamation à l'encontre de son propriétaire ou exploitant, ni à toute autre intervention de la part ou au nom de cet Etat ou de toute personne y résidant, sous prétexte que la construction, le mécanisme, les pièces, les accessoires, ou le mode de fonctionnement de l'aéronef constituent la contrefaçon d'un brevet, dessin ou modèle quelconque dûment accordé ou déposé dans l'Etat sur le territoire duquel a pénétré l'aéronef, étant entendu que l'Etat sur le territoire duquel a pénétré l'aéronef n'exigera en aucun cas un dépôt de garantie pour l'exemption mentionnée ci-dessus de saisie ou de rétention de l'aéronef.

b) Les dispositions du paragraphe a) du présent article s'appliquent également au magasinage des pièces détachées et équipements de rechange pour les aéronefs, ainsi qu'au droit d'utiliser et d'installer ces pièces et équipements lors de la réparation d'un aéronef d'un Etat contractant sur le territoire d'un autre Etat contractant, étant entendu que toute pièce ou équipement breveté ainsi emmagasiné ne peut être vendu ou distribué à l'intérieur de l'Etat sur le territoire duquel a pénétré l'aéronef, ou exporté dudit Etat à titre commercial.

c) Ne bénéficient des dispositions du présent article que les Etats parties à la présente Convention 1) qui sont parties à la Convention internationale pour la protection de la propriété industrielle et à tous amendements à ladite Convention, ou 2) qui ont promulgué des lois sur les brevets reconnaissant les inven-

inventions made by the nationals of the other States parties to this Convention.

ARTICLE 28.—*Air navigation facilities and standard systems*

Each contracting State undertakes, so far as it may find practicable, to:

(a) Provide, in its territory, airports, radio services, meteorological services and other air navigation facilities to facilitate international air navigation, in accordance with the standards and practices recommended or established from time to time, pursuant to this Convention;

(b) Adopt and put into operation the appropriate standard systems of communications procedure, codes, markings, signals, lighting and other operational practices and rules which may be recommended or established from time to time, pursuant to this Convention;

(c) Collaborate in international measures to secure the publication of aeronautical maps and charts in accordance with standards which may be recommended or established from time to time, pursuant to this Convention.

CHAPTER V

CONDITIONS TO BE FULFILLED WITH RESPECT TO AIRCRAFT

ARTICLE 29.—*Documents carried in aircraft*

Every aircraft of a contracting State, engaged in international navigation, shall carry the following documents in conformity with the conditions prescribed in this Convention:

- (a) Its certificate of registration;
- (b) Its certificate of airworthiness;
- (c) The appropriate licenses for each member of the crew;
- (d) Its journey log book;

tions faites par les ressortissants des autres Etats parties à la présente Convention et leur accordant la protection qui convient.

ARTICLE 28.—*Facilités et systèmes standards de navigation aérienne*

Chaque Etat contractant s'engage, dans la mesure où il le juge possible,

a) A établir, sur son territoire, des aéroports, des services radioélectriques et météorologiques et d'autres facilités à la navigation aérienne en vue d'aider la navigation aérienne internationale, conformément aux standards et pratiques recommandés ou établis de temps à autre en vertu de la présente Convention;

b) A adopter et mettre en application les systèmes standards appropriés en matière de procédures de communications, de codes, de balisage, de signalisation, de feux et d'autres pratiques et règles d'exploitation qui peuvent être recommandés ou établis de temps à autre en vertu de la présente Convention;

c) A collaborer aux mesures prises sur le plan international pour assurer la publication de cartes et plans aéronautiques, en conformité avec les standards qui peuvent être recommandés ou établis de temps à autre en vertu de la présente Convention.

CHAPITRE V

CONDITIONS À REMPLIR PAR LES AÉRONEFS

ARTICLE 29.—*Documents de bord des aéronefs*

Tout aéronef d'un Etat contractant employé à la navigation internationale doit, conformément aux conditions prescrites par la présente Convention, avoir à bord les documents suivants:

- a) Son certificat d'immatriculation;
- b) Son certificat de navigabilité;
- c) Les licences appropriées pour chaque membre de l'équipage;
- d) Son carnet de route;

(e) If it is equipped with radio apparatus, the aircraft radio station license;

(f) If it carries passengers, a list of their names and places of embarkation and destination;

(g) If it carries cargo, a manifest and detailed declarations of the cargo.

ARTICLE 30.—*Aircraft radio equipment*

(a) Aircraft of each contracting State may, in or over the territory of other contracting States, carry radio transmitting apparatus only if a license to install and operate such apparatus has been issued by the appropriate authorities of the State in which the aircraft is registered. The use of radio transmitting apparatus in the territory of the contracting State whose territory is flown over shall be in accordance with the regulations prescribed by that State.

(b) Radio transmitting apparatus may be used only by members of the flight crew who are provided with a special license for the purpose, issued by the appropriate authorities of the State in which the aircraft is registered.

ARTICLE 31.—*Certificates of airworthiness*

Every aircraft engaged in international navigation shall be provided with a certificate of airworthiness issued or rendered valid by the State in which it is registered.

ARTICLE 32.—*Licenses of personnel*

(a) The pilot of every aircraft and the other members of the operating crew of every aircraft engaged in international navigation shall be provided with certificates of competency and licenses issued or rendered valid by the State in which the aircraft is registered.

e) S'il est muni d'appareils radio-électriques, la licence de la station radio de l'aéronef;

f) S'il transporte des passagers, la liste nominative de ceux-ci, indiquant leurs lieux d'embarquement et de destination;

g) S'il transporte des marchandises, un manifeste et des déclarations détaillées de la cargaison.

ARTICLE 30.—*Équipement radio des aéronefs*

a) Les aéronefs de chaque Etat contractant ne peuvent, lorsqu'ils se trouvent sur le territoire d'autres Etats contractants ou au-dessus dudit territoire, avoir à leur bord des appareils émetteurs que si les autorités compétentes de l'Etat dans lequel l'aéronef est immatriculé ont délivré à cet effet une licence permettant d'installer et d'utiliser lesdits appareils. Les appareils émetteurs ne peuvent être utilisés dans le territoire de l'Etat contractant survolé qu'en conformité des règlements prescrits par cet Etat.

b) Les appareils émetteurs ne peuvent être utilisés que par les membres du personnel de conduite munis à cet effet d'une licence spéciale, délivrée par les autorités compétentes de l'Etat dans lequel l'aéronef est immatriculé.

ARTICLE 31.—*Certificats de navigabilité*

Tout aéronef employé à la navigation internationale doit être muni d'un certificat de navigabilité délivré ou validé par l'Etat dans lequel l'aéronef est immatriculé.

ARTICLE 32.—*Licences du personnel*

a) Le pilote et les autres membres du personnel de conduite de tout aéronef employé à la navigation internationale doivent être munis de brevets d'aptitude et de licences délivrés ou validés par l'Etat dans lequel l'aéronef est immatriculé.

(b) Each contracting State reserves the right to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to any of its nationals by another contracting State.

ARTICLE 33.—*Recognition of certificates and licenses*

Certificates of airworthiness and certificates of competency and licenses issued or rendered valid by the contracting State in which the aircraft is registered, shall be recognized as valid by the other contracting States, provided that the requirements under which such certificates or licenses were issued or rendered valid are equal to or above the minimum standards which may be established from time to time pursuant to this Convention.

ARTICLE 34.—*Journey log books*

There shall be maintained in respect of every aircraft engaged in international navigation a journey log book in which shall be entered particulars of the aircraft, its crew and of each journey, in such form as may be prescribed from time to time pursuant to this Convention.

ARTICLE 35.—*Cargo restrictions*

(a) No munitions of war or implements of war may be carried in or above the territory of a State in aircraft engaged in international navigation, except by permission of such State. Each State shall determine by regulations what constitutes munitions of war or implements of war for the purposes of this Article, giving due consideration, for the purposes of uniformity, to such recommendations as the International Civil Aviation Organization may from time to time make.

b) Chaque Etat contractant se réserve le droit de ne pas reconnaître valables, aux fins de survol de son propre territoire, les brevets d'aptitude et les licences accordés à l'un de ses ressortissants par un autre Etat contractant.

ARTICLE 33.—*Reconnaissance des certificats et licences*

Les certificats de navigabilité, ainsi que les brevets d'aptitude et les licences délivrés ou validés par l'Etat contractant dans lequel l'aéronef est immatriculé, seront reconnus valables par les autres Etats contractants, à condition toutefois que les conditions sous lesquelles ces brevets ou licences ont été délivrés ou validés soient équivalentes ou supérieures aux standards minimum qui pourraient, de temps à autre, être établis en vertu de la présente Convention.

ARTICLE 34.—*Carnets de route*

Pour chaque aéronef employé à la navigation internationale, il est tenu un carnet de route sur lequel sont portés les renseignements relatifs à l'aéronef, à l'équipage et à chaque voyage, sous la forme qui peut être prescrite de temps à autre en vertu de la présente Convention.

ARTICLE 35.—*Restrictions relatives à la cargaison*

a) Aucun aéronef employé à la navigation internationale ne peut transporter de munitions de guerre ou de matériel de guerre à l'intérieur ou au-dessus du territoire d'un Etat, à moins d'une autorisation dudit Etat. Chaque Etat détermine par voie de règlement ce qu'il faut entendre par munitions de guerre ou matériel de guerre aux fins du présent article, en tenant dûment compte, dans un souci d'uniformité, des recommandations que l'Organisation de l'aviation civile internationale peut faire de temps à autre.

(b) Each contracting State reserves the right, for reasons of public order and safety, to regulate or prohibit the carriage in or above its territory of articles other than those enumerated in paragraph (a): provided that no distinction is made in this respect between its national aircraft engaged in international navigation and the aircraft of the other States so engaged; and provided further that no restriction shall be imposed which may interfere with the carriage and use on aircraft of apparatus necessary for the operation or navigation of the aircraft or the safety of the personnel or passengers.

ARTICLE 36.—*Photographic apparatus*

Each contracting State may prohibit or regulate the use of photographic apparatus in aircraft over its territory.

CHAPTER VI

INTERNATIONAL STANDARDS AND RECOMMENDED PRACTICES

ARTICLE 37.—*Adoption of international standards and procedures*

Each contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation.

To this end the International Civil Aviation Organization shall adopt and amend from time to time, as may be necessary, international standards and recommended practices and procedures dealing with:

b) Chaque Etat contractant se réserve le droit, pour des raisons d'ordre public et de sécurité, de réglementer ou d'interdire le transport à l'intérieur ou au-dessus de son territoire, d'articles autres que ceux qui sont énumérés au paragraphe a), étant entendu qu'il ne sera fait aucune distinction à cet égard entre ses aéronefs nationaux employés à la navigation internationale et les aéronefs des autres Etats employés aux mêmes fins, et étant en outre entendu qu'il ne sera imposé aucune restriction susceptible de gêner le transport et l'usage, à bord des aéronefs, des appareils nécessaires à la manœuvre ou à la navigation desdits aéronefs, ainsi qu'à la sécurité du personnel ou des passagers.

ARTICLE 36.—*Appareils photographiques*

Chaque Etat contractant a la faculté d'interdire ou de réglementer l'usage des appareils photographiques à bord des aéronefs survolant son territoire.

CHAPITRE VI

STANDARDS INTERNATIONAUX ET PRATIQUES RECOMMANDÉES

ARTICLE 37.—*Adoption de standards et de procédures internationaux*

Chaque Etat contractant s'engage à prêter son concours pour atteindre le plus haut degré réalisable d'uniformité dans les règlements, standards, procédures et méthodes d'organisation relatifs aux aéronefs, au personnel, aux routes aériennes et aux services auxiliaires, dans tous les domaines où une telle uniformité facilitera et améliorera la navigation aérienne.

A cet effet, l'Organisation de l'aviation civile internationale adoptera et modifiera, de temps à autre et selon les nécessités, des standards internationaux ainsi que des pratiques et procédures recommandées concernant les domaines suivants:

(a) Communications systems and air navigation aids, including ground marking;

(b) Characteristics of airports and landing areas;

(c) Rules of the air and air traffic control practices;

(d) Licensing of operating and mechanical personnel;

(e) Airworthiness of aircraft;

(f) Registration and identification of aircraft;

(g) Collection and exchange of meteorological information;

(h) Log books;

(i) Aeronautical maps and charts;

(j) Customs and immigration procedures;

(k) Aircraft in distress and investigation of accidents;

and such other matters concerned with the safety, regularity, and efficiency of air navigation as may from time to time appear appropriate.

ARTICLE 38.—*Departures from international standards and procedures*

Any State which finds it impracticable to comply in all respects with any such international standards or procedure, or to bring its own regulations or practices into full accord with any international standard or procedure after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established by the international standard. In the case of amendments to international standards, any State which does not make the appropriate amendments to its own regulations or practices shall give notice to the Council within sixty days of the adoption of the amendment to the

a) Systèmes de télécommunications et aides à la navigation aérienne, y compris le balisage au sol;

b) Caractéristiques des aéroports et des aires d'atterrissage;

c) Règles de l'air et méthodes de contrôle de la circulation aérienne;

d) Délivrance de licences au personnel de conduite et aux mécaniciens;

e) Navigabilité des aéronefs;

f) Immatriculation et identification des aéronefs;

g) Centralisation et échange de renseignements météorologiques;

h) Livres de bord;

i) Cartes et plans aéronautiques;

j) Formalités de douane et d'immigration;

k) Aéronefs en détresse et enquêtes sur accidents;

ainsi que tous autres domaines intéressant la sécurité, la régularité et l'efficacité de la navigation aérienne, qui pourraient de temps à autre paraître le nécessiter.

ARTICLE 38.—*Déroptions aux standards et aux formalités internationales*

Tout Etat qui juge impossible de se conformer en tous points à de tels standards ou procédures internationaux, ou de mettre ses propres règlements ou pratiques en complet accord avec des standards ou procédures internationaux lorsque ceux-ci auront été modifiés, ou qui estime nécessaire d'adopter des règles ou des pratiques différant sur un point quelconque de celles établies par un standard international, notifiera immédiatement à l'Organisation de l'aviation civile internationale les différences existant entre ses propres pratiques et celles établies par le standard international. S'il s'agit d'amendements à des standards internationaux, tout Etat qui n'apportera pas les modifications correspondantes à ses propres règlements ou pratiques en avisera le Conseil dans les soixante jours qui

international standard, or indicate the action which it proposes to take. In any such case, the Council shall make immediate notification to all other States of the difference which exists between one or more features of an international standard and the corresponding national practice of that State.

ARTICLE 39.—*Endorsement of certificates and licenses*

(a) Any aircraft or part thereof with respect to which there exists an international standard of airworthiness or performance, and which failed in any respect to satisfy that standard at the time of its certification, shall have endorsed on or attached to its airworthiness certificate a complete enumeration of the details in respect of which it so failed.

(b) Any person holding a license who does not satisfy in full the conditions laid down in the international standard relating to the class of license or certificate which he holds shall have endorsed on or attached to his license a complete enumeration of the particulars in which he does not satisfy such conditions.

ARTICLE 40.—*Validity of endorsed certificates and licenses*

No aircraft or personnel having certificates or licenses so endorsed shall participate in international navigation, except with the permission of the State or States whose territory is entered. The registration or use of any such aircraft, or of any certificated aircraft part, in any State other than that in which it was originally certificated shall be at the discretion of the State into which the aircraft or part is imported.

suivront l'adoption de l'amendement au standard international ou indiquera les mesures qu'ils se proposent de prendre. En pareil cas, le Conseil notifiera immédiatement à tous les autres Etats les différences existant sur un ou plusieurs points entre le standard international et la pratique correspondante en usage dans l'Etat en question.

ARTICLE 39.—*Mentions portées sur les certificats et licences*

a) Tout aéronef ou élément d'aéronef au sujet duquel il existe un standard international en matière de navigabilité ou de performance, mais qui au moment de l'établissement de son certificat de navigabilité manque en quelque point à satisfaire à ce standard, doit avoir sur son certificat de navigabilité ou en annexe à celui-ci une liste complète des points sur lesquels il s'écarte de ce standard.

b) Toute personne titulaire d'une licence qui ne remplit pas entièrement les conditions imposées par le standard international relatif à la classe de licence ou de brevet dont elle est titulaire doit avoir sur sa licence, ou en annexe à celle-ci, une énumération complète des points sur lesquels elle ne remplit pas lesdites conditions.

ARTICLE 40.—*Validité des licences et des certificats sur lesquels des mentions ont été portées*

Aucun aéronef ou aucun membre du personnel possédant un certificat ou une licence sur lequel des mentions ont été ainsi portées ne peut prendre part à la navigation internationale si ce n'est avec l'autorisation de l'Etat ou des Etats dont le territoire est survolé. L'immatriculation ou l'emploi d'un tel aéronef, ou d'une pièce quelconque d'aéronef ainsi homologué, dans un Etat autre que celui où le certificat a été établi à l'origine, est laissé à la discrétion de l'Etat dans lequel l'aéronef ou la pièce en question est importé.

ARTICLE 41.—*Recognition of existing standards of airworthiness*

The provisions of this Chapter shall not apply to aircraft and aircraft equipment of types of which the prototype is submitted to the appropriate national authorities for certification prior to a date three years after the date of adoption of an international standard of airworthiness for such equipment.

ARTICLE 42.—*Recognition of existing standards of competency of personnel*

The provisions of this Chapter shall not apply to personnel whose licenses are originally issued prior to a date one year after initial adoption of an international standard of qualification for such personnel; but they shall in any case apply to all personnel whose licenses remain valid five years after the date of adoption of such standard.

PART II**THE INTERNATIONAL CIVIL AVIATION ORGANIZATION****CHAPTER VII****THE ORGANIZATION****ARTICLE 43.—*Name and composition***

An organization to be named the International Civil Aviation Organization is formed by the Convention. It is made up of an Assembly, a Council, and such other bodies as may be necessary.

ARTICLE 44.—*Objectives*

The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of

ARTICLE 41.—*Reconnaissance des standards existants en matière de navigabilité*

Les dispositions du présent chapitre ne s'appliquent ni aux aéronefs ni aux équipements d'aéronefs appartenant à des types dont le prototype a été soumis aux autorités nationales compétentes pour homologation avant l'expiration des trois années qui suivent la date d'adoption d'un standard international de navigabilité pour ce matériel.

ARTICLE 42.—*Reconnaissance des standards existants en ce qui concerne la compétence du personnel*

Les dispositions du présent chapitre ne s'appliquent pas aux membres du personnel dont les licences ont été délivrées à l'origine avant l'expiration de l'année qui suit la date de l'adoption initiale d'un standard international d'aptitude; toutefois, elles s'appliquent en tout état de cause à tous les membres du personnel dont les licences sont encore valides cinq ans après la date de l'adoption de ce standard.

DEUXIÈME PARTIE**L'ORGANISATION DE L'AVIATION CIVILE INTERNATIONALE****CHAPITRE VII****L'ORGANISATION****ARTICLE 43.—*Nom et composition***

Il est institué par la présente Convention une organisation qui portera le nom d'Organisation de l'aviation civile internationale. Elle se compose d'une Assemblée, d'un Conseil et de tous autres organismes qui pourront être nécessaires.

ARTICLE 44.—*Objets*

L'Organisation a pour objet de développer les principes et les techniques de la navigation aérienne internationale, ainsi que de favoriser l'établissement et de stimuler le

international air transport so as to:

(a) Insure the safe and orderly growth of international civil aviation throughout the world;

(b) Encourage the arts of aircraft design and operation for peaceful purposes;

(c) Encourage the development of airways, airports, and air navigation facilities for international civil aviation;

(d) Meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;

(e) Prevent economic waste caused by unreasonable competition;

(f) Insure that the rights of contracting States are fully respected and that every contracting State has a fair opportunity to operate international airlines;

(g) Avoid discrimination between contracting States;

(h) Promote safety of flight in international air navigation;

(i) Promote generally the development of all aspects of international civil aeronautics.

ARTICLE 45.—*Permanent seat*

The permanent seat of the Organization shall be at such place as shall be determined at the final meeting of the Interim Assembly of the Provisional International Civil Aviation Organization set up by the Interim Agreement on International Civil Aviation signed at Chicago on December 7, 1944. The seat may be temporarily transferred elsewhere by decision of the Council.

ARTICLE 46.—*First meeting of Assembly*

The first meeting of the Assembly shall be summoned by the Interim

développement des transports aériens internationaux de façon à:

a) Assurer le développement ordonné et sain de l'aviation civile internationale dans le monde entier;

b) Encourager à des fins pacifiques les techniques de construction et d'exploitation des aéronefs;

c) Encourager le développement de routes aériennes, d'aéroports et de facilités de navigation aérienne à l'usage de l'aviation civile internationale;

d) Procurer aux peuples du monde les transports aériens sûrs, réguliers, efficaces et économiques dont ils ont besoin;

e) Eviter le gaspillage économique qu'engendre une concurrence excessive;

f) Assurer que les droits des Etats contractants soient intégralement respectés et que chaque Etat contractant ait une possibilité équitable d'exploiter des entreprises de transports aériens internationaux;

g) Eviter toute discrimination entre Etats contractants;

h) Améliorer la sécurité de vol dans la navigation aérienne internationale;

i) Favoriser, d'une manière générale, le développement de l'aéronautique civile internationale sous tous ses aspects.

ARTICLE 45.—*Siège permanent*

L'Organisation a son siège permanent au lieu que fixera, au cours de sa dernière session, l'Assemblée intérimaire de l'Organisation provisoire de l'aviation civile internationale, établie par l'Accord intérimaire sur l'aviation civile internationale signé à Chicago le 7 décembre 1944. Ce siège pourra être transféré provisoirement en tout autre lieu par décision du Conseil.

ARTICLE 46.—*Première session de l'Assemblée*

La première session de l'Assemblée est convoquée par le Conseil

Council of the above-mentioned Provisional Organization as soon as the Convention has come into force, to meet at a time and place to be decided by the Interim Council.

ARTICLE 47.—*Legal capacity*

The Organization shall enjoy in the territory of each contracting State such legal capacity as may be necessary for the performance of its functions. Full juridical personality shall be granted wherever compatible with the constitution and laws of the State concerned.

CHAPTER VIII

THE ASSEMBLY

ARTICLE 48.—*Meetings of Assembly and voting*

(a) The Assembly shall meet annually and shall be convened by the Council at a suitable time and place. Extraordinary meetings of the Assembly may be held at any time upon the call of the Council or at the request of any ten contracting States addressed to the Secretary General.

(b) All contracting States shall have an equal right to be represented at the meetings of the Assembly and each contracting State shall be entitled to one vote. Delegates representing contracting States may be assisted by technical advisers who may participate in the meetings but shall have no vote.

(c) A majority of the contracting States is required to constitute a quorum for the meetings of the Assembly. Unless otherwise provided in this Convention, decisions of the Assembly shall be taken by a majority of the votes cast.

ARTICLE 49.—*Powers and duties of Assembly*

The powers and duties of the Assembly shall be to:

(a) Elect at each meeting its President and other officers;

intérimaire de l'Organisation provisoire mentionnée ci-dessus, dès l'entrée en vigueur de la présente Convention, et se tient à la date et au lieu que fixera le Conseil intérimaire.

ARTICLE 47.—*Capacité juridique*

L'Organisation jouit, sur le territoire de chaque Etat contractant, de la capacité juridique nécessaire à l'exercice de ses fonctions. La pleine personnalité juridique lui est accordée partout où elle est compatible avec la constitution et les lois de l'Etat intéressé.

CHAPITRE VIII

L'ASSEMBLÉE

ARTICLE 48.—*Session de l'Assemblée et vote*

a) L'Assemblée se réunit chaque année et est convoquée par le Conseil en temps et lieu utiles. Elle peut tenir des sessions extraordinaires à tout moment sur convocation du Conseil ou sur requête adressée au Secrétaire général par dix Etats contractants.

b) Les Etats contractants ont un droit égal d'être représentés aux sessions de l'Assemblée et chaque Etat contractant a droit à une voix. Les délégués représentant les Etats contractants peuvent être assistés de conseillers techniques, qui peuvent participer aux réunions mais n'ont pas droit de vote.

c) La majorité des Etats contractants est requise pour constituer un quorum lors des réunions de l'Assemblée. Sauf dispositions contraires de la présente Convention, les décisions de l'Assemblée sont prises à la majorité des voix exprimées.

ARTICLE 49.—*Pouvoirs et attributions de l'Assemblée*

Les pouvoirs et attributions de l'Assemblée sont les suivants:

a) Elire à chaque session son Président et les autres membres du bureau;

(b) Elect the contracting States to be represented on the Council, in accordance with the provisions of Chapter IX;

(c) Examine and take appropriate action on the reports of the Council and decide on any matter referred to it by the Council;

(d) Determine its own rules of procedure and establish such subsidiary commissions as it may consider to be necessary or desirable;

(e) Vote an annual budget and determine the financial arrangements of the Organization, in accordance with the provisions of Chapter XII;

(f) Review expenditures and approve the accounts of the Organization;

(g) Refer, at its discretion, to the Council, to subsidiary commissions, or to any other body any matter within its sphere of action;

(h) Delegate to the Council the powers and authority necessary or desirable for the discharge of the duties of the Organization and revoke or modify the delegations of authority at any time;

(i) Carry out the appropriate provisions of Chapter XIII;

(j) Consider proposals for the modification or amendment of the provisions of this Convention and, if it approves of the proposals, recommend them to the contracting States in accordance with the provisions of Chapter XXI;

(k) Deal with any matter within the sphere of action of the Organization not specifically assigned to the Council.

b) Elire les Etats contractants qui seront représentés au Conseil, conformément aux dispositions du chapitre IX;

c) Examiner les rapports du Conseil et leur donner la suite qu'ils comportent; décider de toute question dont elle est saisie par le Conseil;

d) Déterminer son propre règlement intérieur et instituer les commissions subsidiaires qu'elle pourra juger nécessaires ou utiles;

e) Voter un budget annuel et déterminer le régime financier de l'Organisation, conformément aux dispositions du chapitre XII;

f) Vérifier les dépenses et approuver les comptes de l'Organisation;

g) Renvoyer, à sa discrétion, au Conseil, aux commissions subsidiaires ou à tout autre organe, toute question de sa compétence;

h) Déléguer au Conseil les pouvoirs et l'autorité nécessaires ou utiles à l'exercice des fonctions de l'Organisation, et révoquer ou modifier à tout moment ces délégations d'autorité;

i) Donner effet aux dispositions appropriées du chapitre XIII;

j) Examiner les propositions tendant à modifier ou à amender les dispositions de la présente Convention, et, si elle les approuve, en recommander l'adoption aux Etats contractants conformément aux dispositions du chapitre XXI;

k) Connaître de toute question relevant de la compétence de l'Organisation, dont le Conseil n'est pas expressément chargé.

CHAPTER IX

THE COUNCIL

ARTICLE 50.—*Composition and election of Council*

(a) The Council shall be a permanent body responsible to the Assembly. It shall be composed of twenty-

CHAPITRE IX

LE CONSEIL

ARTICLE 50.—*Composition et élection du Conseil*

a) Le Conseil est un organe permanent relevant de l'Assemblée. Il se compose de vingt et un Etats

one contracting States elected by the Assembly. An election shall be held at the first meeting of the Assembly and thereafter every three years, and the members of the Council so elected shall hold office until the next following election.

(b) In electing the members of the Council, the Assembly shall give adequate representation to (1) the States of chief importance in air transport; (2) the States not otherwise included which make the largest contribution to the provision of facilities for international civil air navigation; and (3) the States not otherwise included whose designation will insure that all major geographic areas of the world are represented on the Council. Any vacancy on the Council shall be filled by the Assembly as soon as possible; any contracting State so elected to the Council shall hold office for the unexpired portion of its predecessor's term of office.

(c) No representative of a contracting State on the Council shall be actively associated with the operation of an international air service or financially interested in such a service.

ARTICLE 51.—*President of Council*

The Council shall elect its President for a term of three years. He may be reelected. He shall have no vote. The Council shall elect from among its members one or more Vice Presidents who shall retain their right to vote when serving as acting President. The President need not be selected from among the representatives of the members of the Council but, if a representative is elected, his seat shall be deemed vacant and it shall be filled by the State which he represented. The duties of the President shall be to:

(a) Convene meetings of the Council, the Air Transport Committee, and the Air Navigation Commission;

contractants élus par l'Assemblée. Il est procédé à une élection lors de la première session de l'Assemblée, et ensuite tous les trois ans; les membres du Conseil ainsi élus restent en fonctions jusqu'à l'élection suivante.

b) En élisant les membres du Conseil, l'Assemblée donne une représentation appropriée: 1) aux Etats d'importance majeure en matière de transport aérien; 2) aux Etats non représentés par ailleurs qui contribuent le plus à fournir des facilités pour la navigation aérienne civile internationale; 3) aux Etats non représentés par ailleurs dont la désignation assure la représentation au Conseil de toutes les principales régions géographiques du monde. Tout siège qui devient vacant au Conseil est pourvu dans le plus bref délai par l'Assemblée; tout Etat contractant ainsi élu au Conseil reste en fonctions jusqu'à l'expiration du mandat de son prédécesseur.

c) Aucun représentant au Conseil d'un Etat contractant ne peut avoir une part active dans l'exploitation d'un service aérien international ou être financièrement intéressé à un tel service.

ARTICLE 51.—*Président du Conseil*

Le Conseil élit son Président pour une période de trois ans. Le Président est rééligible; il n'a pas le droit de vote. Le Conseil choisit parmi ses membres un ou plusieurs vice-présidents, qui conservent leur droit de vote lorsqu'ils remplissent les fonctions de Président. Le Président n'est pas nécessairement choisi parmi les représentants des membres du Conseil; toutefois, si un représentant est élu, son siège est considéré comme vacant et pourvu par l'Etat qu'il représentait. Les attributions du Président sont les suivantes:

a) Convoquer le Conseil, le Comité du transport aérien et la Commission de navigation aérienne;

(b) Serve as representative of the Council; and

(c) Carry out on behalf of the Council the functions which the Council assigns to him.

ARTICLE 52.—*Voting in Council*

Decisions by the Council shall require approval by a majority of its members. The Council may delegate authority with respect to any particular matter to a committee of its members. Decisions of any committee of the Council may be appealed to the Council by any interested contracting State.

ARTICLE 53.—*Participation without a vote*

Any contracting State may participate, without a vote, in the consideration by the Council and by its committees and commissions on any question which especially affects its interests. No member of the Council shall vote in the consideration by the Council of a dispute to which it is a party.

ARTICLE 54.—*Mandatory functions of Council*

The Council shall:

(a) Submit annual reports to the Assembly;

(b) Carry out the directions of the Assembly and discharge the duties and obligations which are laid on it by this Convention;

(c) Determine its organization and rules of procedure;

(d) Appoint and define the duties of an Air Transport Committee, which shall be chosen from among the representatives of the members of the Council, and which shall be responsible to it;

(e) Establish an Air Navigation Commission, in accordance with the provisions of Chapter X;

(f) Administer the finances of the Organization in accordance with the provisions of Chapters XII and XV;

b) Agir comme représentant du Conseil; et

c) Exercer au nom du Conseil les fonctions que celui-ci lui assigne.

ARTICLE 52.—*Vote au Conseil*

Les décisions du Conseil doivent être approuvées par la majorité de ses membres. Le Conseil peut déléguer son autorité, en ce qui concerne une question déterminée, à un comité choisi parmi ses membres. Tout Etat contractant intéressé peut en appeler au Conseil des décisions prises par un comité du Conseil.

ARTICLE 53.—*Participation sans droit de vote*

Tout Etat contractant peut participer, sans droit de vote, à l'examen par le Conseil ainsi que par ses comités et commissions de toute question mettant directement en jeu ses intérêts. Aucun membre du Conseil ne peut prendre part au vote lors de l'examen par le Conseil d'un différend auquel il est partie.

ARTICLE 54.—*Fonctions obligatoires du Conseil*

Le Conseil doit:

a) Soumettre des rapports annuels à l'Assemblée;

b) Mettre à exécution les directives de l'Assemblée et s'acquitter de toutes les fonctions et obligations qui lui incombent de par la présente Convention;

c) Déterminer son organisation et son règlement intérieur;

d) Nommer un Comité du transport aérien, composé de représentants des membres du Conseil et responsable envers celui-ci, et définir ses attributions;

e) Instituer une Commission de navigation aérienne, conformément aux dispositions du chapitre X;

f) Gérer les finances de l'Organisation, conformément aux dispositions des chapitres XII et XV;

(g) Determine the emoluments of the President of the Council;

(h) Appoint a chief executive officer who shall be called the Secretary General, and make provision for the appointment of such other personnel as may be necessary, in accordance with the provisions of Chapter XI;

(i) Request, collect, examine and publish information relating to the advancement of air navigation and the operation of international air services, including information about the costs of operation and particulars of subsidies paid to airlines from public funds;

(j) Report to contracting States any infraction of this Convention, as well as any failure to carry out recommendations or determinations of the Council;

(k) Report to the Assembly any infraction of this Convention where a contracting State has failed to take appropriate action within a reasonable time after notice of the infraction;

(l) Adopt, in accordance with the provisions of Chapter VI of this Convention, international standards and recommended practices; for convenience, designate them as Annexes to this Convention; and notify all contracting States of the action taken;

(m) Consider recommendations of the Air Navigation Commission for amendment of the Annexes and take action in accordance with the provisions of Chapter XX;

(n) Consider any matter relating to the Convention which any contracting State refers to it.

ARTICLE 55.—*Permissive functions of Council*

The Council may:

(a) Where appropriate and as experience may show to be desirable,

g) Fixer les émoluments du Président du Conseil;

h) Nommer un agent exécutif principal, qui portera le titre de Secrétaire général, et prendre toutes dispositions pour la nomination de tout autre personnel nécessaire, conformément aux dispositions du chapitre XI;

i) Demander, réunir, étudier et publier les renseignements relatifs aux progrès de la navigation aérienne et à l'exploitation des services aériens internationaux, y compris tous renseignements sur les frais d'exploitation et les subventions versées sur fonds publics aux entreprises de transports aériens;

j) Signaler aux Etats contractants toute infraction à la présente Convention, ainsi que tout manquement aux recommandations ou aux décisions du Conseil;

k) Faire rapport à l'Assemblée sur toute infraction à la présente Convention, au cas où un Etat contractant n'aurait pas pris les mesures nécessaires dans un délai raisonnable après que l'infraction aura été signalée;

l) Adopter, conformément aux dispositions du Chapitre VI de la présente Convention, des standards internationaux et des pratiques recommandées; les désigner, pour plus de commodité, sous le nom d'annexes à la présente Convention; et notifier à tous les Etats contractants les dispositions prises à cet effet;

m) Examiner les recommandations formulées par la Commission de navigation aérienne en vue d'amender les annexes et prendre toutes mesures utiles conformément aux dispositions du chapitre XX;

n) Examiner toute question relative à la Convention, dont il est saisi par un Etat contractant.

ARTICLE 55.—*Fonctions facultatives du Conseil*

Le Conseil peut:

a) S'il y a lieu et si l'expérience en montre l'utilité, créer des commis-

create subordinate air transport commissions on a regional or other basis and define groups of states or airlines with or through which it may deal to facilitate the carrying out of the aims of this Convention;

(b) Delegate to the Air Navigation Commission duties additional to those set forth in the Convention and revoke or modify such delegations of authority at any time;

(c) Conduct research into all aspects of air transport and air navigation which are of international importance, communicate the results of its research to the contracting States, and facilitate the exchange of information between contracting States on air transport and air navigation matters;

(d) Study any matters affecting the organization and operation of international air transport, including the international ownership and operation of international air services on trunk routes, and submit to the Assembly plans in relation thereto;

(e) Investigate, at the request of any contracting State, any situation which may appear to present avoidable obstacles to the development of international air navigation; and, after such investigation, issue such reports as may appear to it desirable.

sions subordonnées de transport aérien, sur le plan régional, ou de toute autre façon, et désigner des groupes d'Etats ou d'entreprises de transports aériens avec lesquels ou par l'intermédiaire desquels il pourra s'adresser en vue de faciliter la réalisation des fins de la présente Convention;

b) Déléguer à la Commission de navigation aérienne toutes attributions en sus de celles prévues par la présente Convention et révoquer ou modifier à tout moment de telles délégations;

c) Procéder à des recherches dans tous les domaines du transport aérien et de la navigation aérienne qui sont d'importance internationale; communiquer le résultat de ses recherches aux Etats contractants et faciliter l'échange, entre Etats contractants, de renseignements relatifs au transport aérien et à la navigation aérienne;

d) Etudier toutes questions ayant trait à l'organisation et à l'exploitation des transports aériens internationaux, y compris la propriété et l'exploitation internationale de services aériens internationaux sur les routes principales et soumettre à l'Assemblée des projets s'y rapportant;

e) Effectuer des enquêtes, à la demande de tout Etat contractant, sur toute situation susceptible d'opposer au développement de la navigation aérienne internationale des obstacles qui peuvent être évités et, ces enquêtes terminées, publier les rapports qui lui semblent indiqués.

CHAPTER X

THE AIR NAVIGATION COMMISSION

ARTICLE 56.—*Nomination and appointment of Commission*

The Air Navigation Commission shall be composed of twelve members appointed by the Council from among persons nominated by con-

CHAPITRE X

LA COMMISSION DE NAVIGATION AÉRIENNE

ARTICLE 56.—*Candidature et nomination à la Commission*

La Commission de navigation aérienne se compose de douze membres nommés par le Conseil parmi des personnes présentées par les

tracting States. These persons shall have suitable qualifications and experience in the science and practice of aeronautics. The Council shall request all contracting States to submit nominations. The President of the Air Navigation Commission shall be appointed by the Council.

ARTICLE 57.—*Duties of Commission*

The Air Navigation Commission shall:

(a) Consider, and recommend to the Council for adoption, modifications of the Annexes to this Convention;

(b) Establish technical subcommissions on which any contracting State may be represented, if it so desires;

(c) Advise the Council concerning the collection and communication to the contracting States of all information which it considers necessary and useful for the advancement of air navigation.

CHAPTER XI

PERSONNEL

ARTICLE 58.—*Appointment of personnel*

Subject to any rules laid down by the Assembly and to the provisions of this Convention, the Council shall determine the method of appointment and of termination of appointment, the training, and the salaries, allowances, and conditions of service of the Secretary General and other personnel of the Organization, and may employ or make use of the services of nationals of any contracting State.

ARTICLE 59.—*International character of personnel*

The President of the Council, the Secretary General, and other per-

Etats contractants. Ces personnes doivent posséder la compétence et l'expérience nécessaires en matière de science et de pratique aéronautiques. Le Conseil invitera tous les Etats contractants à lui soumettre des candidatures. Le Président de la Commission de navigation aérienne est nommé par le Conseil.

ARTICLE 57.—*Attributions de la Commission*

Les attributions de la Commission de navigation aérienne sont les suivantes:

a) Examiner les modifications à apporter aux annexes à la présente Convention et en recommander l'adoption au Conseil;

b) Instituer des sous-commissions techniques, auxquelles tout Etat contractant pourra être représenté, s'il le désire;

c) Donner des avis au Conseil au sujet de la centralisation et de la communication aux Etats contractants de tous renseignements qu'elle considère nécessaires et utiles aux progrès de la navigation aérienne.

CHAPITRE XI

PERSONNEL

ARTICLE 58.—*Nomination du personnel*

Sous réserve des règlements établis par l'Assemblée et des dispositions de la présente Convention, le Conseil détermine le mode de nomination et de licenciement, la formation professionnelle, les traitements et indemnités et les conditions d'emploi du Secrétaire général et des autres membres du personnel de l'Organisation; il a en outre la faculté d'employer des ressortissants de tout Etat contractant ou d'utiliser leurs services.

ARTICLE 59.—*Caractère international du personnel*

Dans l'exercice de leurs fonctions, le Président du Conseil, le Secrétaire

sonnel shall not seek or receive instructions in regard to the discharge of their responsibilities from any authority external to the Organization. Each contracting State undertakes fully to respect the international character of the responsibilities of the personnel and not to seek to influence any of its nationals in the discharge of their responsibilities.

ARTICLE 60.—*Immunities and privileges of personnel*

Each contracting State undertakes, so far as possible under its constitutional procedure, to accord to the President of the Council, the Secretary General, and the other personnel of the Organization, the immunities and privileges which are accorded to corresponding personnel of other public international organizations. If a general international agreement on the immunities and privileges of international civil servants is arrived at, the immunities and privileges accorded to the President, the Secretary General, and the other personnel of the Organization shall be the immunities and privileges accorded under that general international agreement.

CHAPTER XII

FINANCE

ARTICLE 61.—*Budget and apportionment of expenses*

The Council shall submit to the Assembly an annual budget, annual statements of accounts and estimates of all receipts and expenditures. The Assembly shall vote the budget with whatever modification it sees fit to prescribe, and, with the exception of assessments under Chapter XV to States consenting thereto, shall apportion the expenses of the Organization among the contracting States on the basis which it shall from time to time determine.

général et les autres membres du personnel ne devront ni demander ni accepter d'instructions d'aucune autorité extérieure à l'Organisation. Chaque Etat contractant s'engage à respecter pleinement le caractère international des responsabilités du personnel et à ne pas chercher à influencer un quelconque de ses ressortissants dans l'exercice de ses fonctions.

ARTICLE 60.—*Immunités et privilèges du personnel*

Chaque Etat contractant s'engage, dans toute la mesure permise par ses règles constitutionnelles, à accorder au Président du Conseil, au Secrétaire général et à tout autre membre du personnel de l'Organisation les privilèges et immunités accordés au personnel correspondant d'autres organisations internationales publiques. Si un accord international général intervient, concernant les immunités et privilèges des fonctionnaires internationaux, les immunités et privilèges accordés au Président du Conseil, au Secrétaire général et aux autres membres du personnel de l'Organisation seront les immunités et privilèges accordés aux termes de cet accord international général.

CHAPITRE XII

FINANCES

ARTICLE 61.—*Budget et répartition des dépenses*

Le Conseil soumet chaque année à l'Assemblée un budget, des états de comptes et des prévisions de recettes et de dépenses. L'Assemblée vote le budget en y apportant les modifications qu'elle juge à propos et, exception faite des contributions demandées en vertu du chapitre XV à des Etats qui y consentent, répartit les dépenses de l'Organisation entre les Etats contractants dans les proportions qu'elle détermine de temps à autre.

ARTICLE 62.—*Suspension of voting power*

The Assembly may suspend the voting power in the Assembly and in the Council of any contracting State that fails to discharge within a reasonable period its financial obligations to the Organization.

ARTICLE 63.—*Expenses of delegations and other representatives*

Each contracting State shall bear the expenses of its own delegation to the Assembly and the remuneration, travel, and other expenses of any person whom it appoints to serve on the Council, and of its nominees or representatives on any subsidiary committees or commissions of the Organization.

CHAPTER XIII**OTHER INTERNATIONAL ARRANGEMENTS****ARTICLE 64.—*Security arrangements***

The Organization may, with respect to air matters within its competence directly affecting world security, by vote of the Assembly enter into appropriate arrangements with any general organization set up by the nations of the world to preserve peace.

ARTICLE 65.—*Arrangements with other international bodies*

The Council, on behalf of the Organization, may enter into agreements with other international bodies for the maintenance of common services and for common arrangements concerning personnel and, with the approval of the Assembly, may enter into such other arrangements as may facilitate the work of the Organization.

ARTICLE 62.—*Suspension du droit de vote*

L'Assemblée peut suspendre le droit de vote à l'Assemblée et au Conseil de tout Etat contractant qui ne s'acquitte pas, dans un délai raisonnable, de ses obligations financières envers l'Organisation.

ARTICLE 63.—*Dépenses des délégations et des autres représentants*

Chaque Etat contractant prend à sa charge les dépenses de sa propre délégation à l'Assemblée, ainsi que la rémunération, les frais de déplacement et les autres dépenses de toute personne nommée par lui pour siéger au Conseil, présentée par lui ou désignée par lui comme représentant dans l'un quelconque des comités ou commissions subsidiaires de l'Organisation.

CHAPITRE XIII**AUTRES ARRANGEMENTS INTERNATIONAUX****ARTICLE 64.—*Arrangements visant la sécurité***

En ce qui concerne les questions aériennes de sa compétence qui affectent directement la sécurité du monde, l'Organisation peut, par un vote de l'Assemblée, conclure des arrangements spéciaux avec toute organisation générale établie par les nations du monde pour le maintien de la paix.

ARTICLE 65.—*Arrangements avec d'autres organismes internationaux*

Le Conseil peut, au nom de l'Organisation, conclure des accords avec d'autres organismes internationaux en vue de maintenir des services communs et de faire des arrangements communs au sujet du personnel et, avec l'assentiment de l'Assemblée, conclure tous autres arrangements susceptibles de faciliter la tâche de l'Organisation.

ARTICLE 66.—*Functions relating to other agreements*

(a) The Organization shall also carry out the functions placed upon it by the International Air Services Transit Agreement and by the International Air Transport Agreement drawn up at Chicago on December 7, 1944, in accordance with the terms and conditions therein set forth.

(b) Members of the Assembly and the Council who have not accepted the International Air Services Transit Agreement or the International Air Transport Agreement drawn up at Chicago on December 7, 1944 shall not have the right to vote on any questions referred to the Assembly or Council under the provisions of the relevant Agreement.

PART III

INTERNATIONAL AIR TRANSPORT

CHAPTER XIV

INFORMATION AND REPORTS

ARTICLE 67.—*File reports with Council*

Each contracting State undertakes that its international airlines shall, in accordance with requirements laid down by the Council, file with the Council traffic reports, cost statistics and financial statements showing among other things all receipts and the sources thereof.

CHAPTER XV

AIRPORTS AND OTHER AIR NAVIGATION FACILITIES

ARTICLE 68.—*Designation of routes and airports*

Each contracting State may, subject to the provisions of this Convention, designate the route to be

ARTICLE 66.—*Fonctions relatives à d'autres accords*

a) L'Organisation exerce également les fonctions qui lui sont dévolues par l'Accord relatif au transit des services aériens internationaux et par l'Accord relatif au transport aérien international, élaborés à Chicago le 7 décembre 1944, conformément aux termes et conditions énoncés dans ledits accords.

b) Les membres de l'Assemblée et du Conseil qui n'ont pas accepté l'Accord relatif au transit des services aériens internationaux ou l'Accord relatif au transport aérien international élaborés à Chicago le 7 décembre 1944, n'ont pas droit de vote sur toute question dont l'Assemblée ou le Conseil sera saisi en application des dispositions de l'accord correspondant.

TROISIÈME PARTIE

TRANSPORT AÉRIEN INTERNATIONAL

CHAPITRE XIV

RENSEIGNEMENTS ET RAPPORTS

ARTICLE 67.—*Dépôt de rapports au Conseil*

Chaque Etat contractant s'engage à ce que ses entreprises de transports aériens internationaux adressent au Conseil, conformément aux prescriptions établies par celui-ci, des rapports sur leur trafic, des statistiques sur leur prix de revient, ainsi que des états comptables indiquant, entre autres, le montant et la provenance de toutes leurs recettes.

CHAPITRE XV

AÉROPORTS ET AUTRES FACILITÉS DE NAVIGATION AÉRIENNE

ARTICLE 68.—*Désignation des routes et des aéroports*

Chaque Etat contractant peut, sous réserve des dispositions de la présente Convention, désigner la

followed within its territory by any international air service and the airports which any such service may use.

ARTICLE 69.—*Improvement of air navigation facilities*

If the Council is of the opinion that the airports or other air navigation facilities, including radio and meteorological services, of a contracting State are not reasonably adequate for the safe, regular, efficient, and economical operation of international air services, present or contemplated, the Council shall consult with the State directly concerned, and other States affected, with a view to finding means by which the situation may be remedied, and may make recommendations for that purpose. No contracting State shall be guilty of an infraction of this Convention if it fails to carry out these recommendations.

ARTICLE 70.—*Financing of air navigation facilities*

A contracting State, in the circumstances arising under the provisions of Article 69, may conclude an arrangement with the Council for giving effect to such recommendations. The State may elect to bear all of the costs involved in any such arrangement. If the State does not so elect, the Council may agree, at the request of the State, to provide for all or a portion of the costs.

ARTICLE 71.—*Provision and maintenance of facilities by Council*

If a contracting State so requests, the Council may agree to provide, man, maintain, and administer any or all of the airports and other air navigation facilities, including radio and meteorological services, required in its territory for the safe, regular, efficient and economical operation of

route que doit suivre à l'intérieur de son territoire tout service international aérien ainsi que les aéroports pouvant être utilisés par l'un quelconque de ces services.

ARTICLE 69.—*Amélioration des facilités pour la navigation aérienne*

Si le Conseil estime que, dans un Etat contractant, les aéroports ou autres facilités pour la navigation aérienne, y compris les services radio-électriques et météorologiques, ne sont pas raisonnablement suffisants pour assurer la sécurité, la régularité, l'efficacité et l'exploitation économique des services aériens internationaux existants ou projetés, il procède à des consultations avec l'Etat directement en cause et avec les autres Etats intéressés en vue de trouver les moyens de remédier à la situation, et il peut formuler des recommandations à cet effet. Aucun Etat contractant ne sera considéré comme coupable d'infraction à la présente Convention s'il ne met pas à exécution ces recommandations.

ARTICLE 70.—*Financement des facilités de navigation aérienne*

Un Etat contractant peut, dans les circonstances visées à l'article 69, conclure un arrangement avec le Conseil en vue de donner effet à de telles recommandations. L'Etat peut décider de prendre à sa charge tous les frais résultant dudit arrangement. Dans le cas contraire, le Conseil peut accepter, à la demande de l'Etat, de pourvoir à la totalité ou à une partie des frais.

ARTICLE 71.—*Fourniture et entretien de facilités par le Conseil*

Si un Etat contractant en fait la demande, le Conseil peut accepter de fournir, pourvoir en personnel, entretenir et gérer en totalité ou en partie les aéroports et autres facilités de navigation aérienne, y compris les services radioélectriques et météorologiques qui, sur le territoire dudit

the international air services of the other contracting States, and may specify just and reasonable charges for the use of the facilities provided.

ARTICLE 72.—*Acquisition or use of land*

Where land is needed for facilities financed in whole or in part by the Council at the request of a contracting State, that State shall either provide the land itself, retaining title if it wishes, or facilitate the use of the land by the Council on just and reasonable terms and in accordance with the laws of the State concerned.

ARTICLE 73.—*Expenditure and assessment of funds*

Within the limit of the funds which may be made available to it by the Assembly under Chapter XII, the Council may make current expenditures for the purposes of this Chapter from the general funds of the Organization. The Council shall assess the capital funds required for the purposes of this Chapter in previously agreed proportions over a reasonable period of time to the contracting States consenting thereto whose airlines use the facilities. The Council may also assess to States that consent any working funds that are required.

ARTICLE 74.—*Technical assistance and utilization of revenues*

When the Council, at the request of a contracting State, advances funds or provides airports or other facilities in whole or in part, the arrangement may provide, with the consent of that State, for technical assistance in the supervision and

Etat, sont nécessaires à la sécurité, la régularité, l'efficacité et l'exploitation économique des services aériens internationaux des autres Etats contractants, et peut établir des taxes justes et raisonnables pour l'utilisation des facilités fournies.

ARTICLE 72.—*Acquisition ou utilisation de terrains*

Là où des terrains sont nécessaires pour des facilités financées en totalité ou en partie par le Conseil à la demande d'un Etat contractant, ce dernier doit, soit fournir lui-même ces terrains, dont il conservera la propriété s'il le désire, soit en faciliter l'utilisation par le Conseil à des conditions justes et raisonnables et conformément à ses lois nationales.

ARTICLE 73.—*Dépenses et répartition des fonds*

Dans la limite des fonds qui peuvent être mis par l'Assemblée à la disposition du Conseil en vertu du chapitre XII, le Conseil peut pourvoir aux dépenses courantes nécessaires aux fins du présent chapitre au moyen de prélèvements effectués sur le fonds général de l'Organisation. Le Conseil répartit le montant en capital nécessaire aux fins du présent chapitre, selon des proportions préalablement convenues et sur une période de temps raisonnable, entre les Etats contractants qui y consentent et dont les entreprises de transports aériens utilisent les facilités en question. Si un fonds de roulement s'avère nécessaire, le Conseil peut également en répartir la charge entre les Etats qui y consentent.

ARTICLE 74.—*Assistance technique et utilisation des recettes*

Lorsque, à la demande d'un Etat contractant, le Conseil avance des fonds ou établit des aéroports ou d'autres facilités en totalité ou en partie, l'arrangement peut prévoir, si ledit Etat y consent, d'une part une assistance technique en ce qui

operation of the airports and other facilities, and for the payment, from the revenues derived from the operation of the airports and other facilities, of the operating expenses of the airports and the other facilities, and of interest and amortization charges.

ARTICLE 75.—*Taking over of facilities from Council*

A contracting State may at any time discharge any obligation into which it has entered under Article 70, and take over airports and other facilities which the Council has provided in its territory pursuant to the provisions of Articles 71 and 72, by paying to the Council an amount which in the opinion of the Council is reasonable in the circumstances. If the State considers that the amount fixed by the Council is unreasonable it may appeal to the Assembly against the decision of the Council and the Assembly may confirm or amend the decision of the Council.

ARTICLE 76.—*Return of funds*

Funds obtained by the Council through reimbursement under Article 75 and from receipts of interest and amortization payments under Article 74 shall, in the case of advances originally financed by States under Article 73, be returned to the States which were originally assessed in the proportion of their assessments, as determined by the Council.

CHAPTER XVI

JOINT OPERATING ORGANIZATIONS AND POOLED SERVICES

ARTICLE 77.—*Joint operating organizations permitted*

Nothing in this Convention shall prevent two or more contracting States from constituting joint air

concerne le contrôle général et l'exploitation des aéroports et autres facilités, et d'autre part le paiement, au moyen des recettes d'exploitation de ces aéroports et autres facilités, des frais d'exploitation desdits aéroports et autres facilités, des intérêts et de l'amortissement.

ARTICLE 75.—*Reprise des installations détenues par le Conseil*

Un Etat contractant peut à tout moment se dégager des obligations contractées par lui en vertu de l'article 70 et prendre possession des aéroports et autres facilités établis par le Conseil sur son territoire en vertu des dispositions des articles 71 et 72, en versant au Conseil une somme qui, de l'avis du Conseil, est raisonnable en l'occurrence. Si l'Etat intéressé estime que la somme fixée par le Conseil est excessive, il peut appeler de la décision du Conseil à l'Assemblée qui confirme ou modifie cette décision.

ARTICLE 76.—*Restitution des fonds*

Les fonds réunis par le Conseil, qu'il s'agisse de fonds remboursés en vertu des dispositions de l'article 75 ou de fonds provenant du paiement d'intérêts et d'amortissement en vertu de l'article 74, sont, pour ce qui est des avances consenties à l'origine par des Etats en vertu de l'article 73, restitués auxdits Etats proportionnellement aux contributions fixées initialement pour chacun d'eux par le Conseil.

CHAPITRE XVI

ORGANISATIONS D'EXPLOITATION EN COMMUN ET SERVICES EN POOL

ARTICLE 77.—*Entreprises en commun autorisées*

Aucune disposition de la présente Convention n'empêche deux ou plusieurs Etats contractants de con-

transport operating organizations or international operating agencies and from pooling their air services on any routes or in any regions, but such organizations or agencies and such pooled services shall be subject to all the provisions of this Convention, including those relating to the registration of agreements with the Council. The Council shall determine in what manner the provisions of this Convention relating to nationality of aircraft shall apply to aircraft operated by international operating agencies.

ARTICLE 78.—*Function of Council*

The Council may suggest to contracting States concerned that they form joint organizations to operate air services on any routes or in any regions.

ARTICLE 79.—*Participation in operating organizations*

A State may participate in joint operating organizations or in pooling arrangements, either through its government or through an airline company or companies designated by its government. The companies may, at the sole discretion of the State concerned, be state-owned or partly state-owned or privately owned.

PART IV

FINAL PROVISIONS

CHAPTER XVII

OTHER AERONAUTICAL AGREEMENTS AND ARRANGEMENTS

ARTICLE 80.—*Paris and Habana Conventions*

Each contracting State undertakes, immediately upon the coming into force of this Convention, to give notice of denunciation of the Convention relating to the Regulation of

stituer, pour les transports aériens, des organisations d'exploitation en commun ou des organismes internationaux d'exploitation, ni de mettre en pool leurs services aériens sur toute route ou dans toute région. Toutefois, ces organisations ou organismes et ces services en pool seront soumis à toutes les dispositions de la présente Convention, y compris celles qui ont trait à l'enregistrement des accords au Conseil. Le Conseil déterminera les modalités d'application des dispositions de la présente Convention concernant la nationalité des aéronefs aux aéronefs exploités par des organismes internationaux d'exploitation.

ARTICLE 78.—*Rôle du Conseil*

Le Conseil peut suggérer aux Etats contractants intéressés de former des organisations conjointes pour exploiter des services aériens sur toutes routes ou dans toutes régions.

ARTICLE 79.—*Participation aux entreprises communes*

Un Etat peut faire partie d'organisations d'exploitation en commun ou participer à des pools par l'intermédiaire soit de son gouvernement, soit d'une ou de plusieurs entreprises de transports aériens désignées par son Gouvernement. Ces entreprises peuvent, à la discrétion exclusive de l'Etat intéressé, être en tout ou partie propriété d'Etat ou propriété privée.

QUATRIÈME PARTIE

DISPOSITIONS FINALES

CHAPITRE XVII

AUTRES ACCORDS ET ARRANGEMENTS AÉRONAUTIQUES

ARTICLE 80.—*Conventions de Paris et de La Havane*

Chaque Etat contractant s'engage à dénoncer, dès l'entrée en vigueur de la présente Convention, la Convention portant réglementation de la navigation aérienne, signée à Paris

Aerial Navigation signed at Paris on October 13, 1919 or the Convention on Commercial Aviation signed at Habana on February 20, 1928, if it is a party to either. As between contracting States, this Convention supersedes the Conventions of Paris and Habana previously referred to.

ARTICLE 81.—*Registration of existing agreements*

All aeronautical agreements which are in existence on the coming into force of this Convention, and which are between a contracting State and any other State or between an airline of a contracting State and any other State or the airline of any other State, shall be forthwith registered with the Council.

ARTICLE 82.—*Abrogation of inconsistent arrangements*

The contracting States accept this Convention as abrogating all obligations and understandings between them which are inconsistent with its terms, and undertake not to enter into any such obligations and understandings. A contracting State which, before becoming a member of the Organization has undertaken any obligations toward a non-contracting State or a national of a contracting State or of a non-contracting State inconsistent with the terms of this Convention, shall take immediate steps to procure its release from the obligations. If an airline of any contracting State has entered into any such inconsistent obligations, the State of which it is a national shall use its best efforts to secure their termination forthwith and shall in any event cause them to be terminated as soon as such action can lawfully be taken after the coming into force of this Convention.

le 13 octobre 1919, ou la Convention relative à l'aviation commerciale, signée à La Havane le 20 février 1928, s'il est partie à l'une ou l'autre de ces Conventions. La présente Convention remplace, entre les Etats contractants, les conventions de Paris et de La Havane ci-dessus mentionnées.

ARTICLE 81.—*Enregistrement des accords en vigueur*

Tous accords aéronautiques existant au moment de l'entrée en vigueur de la présente Convention entre un Etat contractant et tout autre Etat, ou entre une entreprise de transports aériens d'un Etat contractant et tout autre Etat ou une entreprise de transports aériens d'un autre Etat, doivent être enregistrés immédiatement au Conseil.

ARTICLE 82.—*Abrogation d'arrangements incompatibles avec les dispositions de la présente Convention*

Les Etats contractants conviennent que la présente Convention abroge toutes obligations et tous engagements existant entre eux qui sont incompatibles avec les dispositions de ladite Convention, et s'engagent à ne pas contracter des obligations ou des engagements de cette nature. Un Etat contractant qui, avant de devenir membre de l'Organisation, a assumé envers un Etat non contractant ou un ressortissant d'un Etat contractant des obligations incompatibles avec les termes de la présente Convention, doit prendre sans délai les mesures nécessaires pour se libérer desdites obligations. Si une entreprise de transports aériens d'un Etat contractant quelconque a assumé de telles obligations incompatibles, l'Etat dont elle est ressortissante s'emploiera de son mieux pour qu'il soit mis fin à ces obligations et en tout cas veillera à ce qu'il y soit mis fin dès que cela sera juridiquement possible après l'entrée en vigueur de la présente Convention.

ARTICLE 83.—*Registration of new arrangements*

Subject to the provisions of the preceding Article, any contracting State may make arrangements not inconsistent with the provisions of this Convention. Any such arrangement shall be forthwith registered with the Council, which shall make it public as soon as possible.

CHAPTER XVIII**DISPUTES AND DEFAULT****ARTICLE 84.—*Settlement of disputes***

If any disagreement between two or more contracting States relating to the interpretation or application of this Convention and its Annexes cannot be settled by negotiation, it shall, on the application of any State concerned in the disagreement, be decided by the Council. No member of the Council shall vote in the consideration by the Council of any dispute to which it is a party. Any contracting State may, subject to Article 85, appeal from the decision of the Council to an *ad hoc* arbitral tribunal agreed upon with the other parties to the dispute or to the Permanent Court of International Justice. Any such appeal shall be notified to the Council within sixty days of receipt of notification of the decision of the Council.

ARTICLE 85.—*Arbitration procedure*

If any contracting State party to a dispute in which the decision of the Council is under appeal has not accepted the Statute of the Permanent Court of International Justice and the contracting States parties to the dispute cannot agree on the choice of the arbitral tribunal, each of the contracting States parties to the dispute shall name a single arbitrator

ARTICLE 83.—*Enregistrement de tout nouvel arrangement*

Sous réserve des dispositions de l'article précédent, tout Etat contractant peut conclure des accords qui ne soient pas incompatibles avec les dispositions de la présente Convention. Tout accord de cette nature est immédiatement enregistré au Conseil, qui le rend public aussitôt que faire se peut.

CHAPITRE XVIII**DIFFÉRENDS ET MANQUEMENTS
AUX ENGAGEMENTS****ARTICLE 84.—*Règlement des différends***

Si un désaccord survenu entre deux ou plusieurs Etats contractants à propos de l'interprétation ou de l'application de la présente Convention et de ses annexes ne peut être réglé par voie de négociation, le Conseil statue à la demande de tout Etat impliqué dans ce désaccord. Aucun membre du Conseil ne peut voter lors de l'examen par le Conseil d'un différend auquel il est partie. Tout Etat contractant peut, sous réserve de l'article 85, faire appel de la décision du Conseil soit à un tribunal arbitral *ad hoc* accepté par les autres parties au désaccord, soit à la Cour permanente de Justice internationale. Tout appel de ce genre doit être notifié au Conseil dans les soixante jours qui suivront la date à laquelle notification de la décision du Conseil a été reçue.

ARTICLE 85.—*Procédure d'arbitrage*

Si un Etat contractant, partie à un différend pour lequel il a été fait appel de la décision du Conseil, n'a pas accepté le Statut de la Cour permanente de Justice internationale et si les Etats contractants parties à ce différend ne peuvent se mettre d'accord sur le choix du tribunal arbitral, chacun des Etats contractants partie au différend désigne un

who shall name an umpire. If either contracting State party to the dispute fails to name an arbitrator within a period of three months from the date of the appeal, an arbitrator shall be named on behalf of that State by the President of the Council from a list of qualified and available persons maintained by the Council. If, within thirty days, the arbitrators cannot agree on an umpire, the President of the Council shall designate an umpire from the list previously referred to. The arbitrators and the umpire shall then jointly constitute an arbitral tribunal. Any arbitral tribunal established under this or the preceding Article shall settle its own procedure and give its decisions by majority vote, provided that the Council may determine procedural questions in the event of any delay which in the opinion of the Council is excessive.

ARTICLE 86.—*Appeals*

Unless the Council decides otherwise, any decision by the Council on whether an international airline is operating in conformity with the provisions of this Convention shall remain in effect unless reversed on appeal. On any other matter, decisions of the Council shall, if appealed from, be suspended until the appeal is decided. The decisions of the Permanent Court of International Justice and of an arbitral tribunal shall be final and binding.

ARTICLE 87.—*Penalty for non-conformity of airline*

Each contracting State undertakes not to allow the operation of an airline of a contracting State through the airspace above its terri-

arbitre et les arbitres ainsi désignés nomment un surarbitre. Au cas où l'un ou l'autre des Etats contractants parties au différend ne désignerait pas d'arbitre dans les trois mois qui suivent la date de l'appel, un arbitre sera choisi au nom de cet Etat par le Président du Conseil sur une liste de personnes qualifiées et disponibles établie par le Conseil. Si, dans les trente jours, les arbitres ne peuvent se mettre d'accord sur le choix d'un surarbitre, le Président du Conseil désigne comme surarbitre une des personnes figurant sur la liste susmentionnée. Les arbitres et le surarbitre constituent alors un tribunal arbitral. Tout tribunal arbitral établi en vertu du présent article ou de l'article précédent détermine ses propres règles de procédure et rend ses décisions à la majorité des voix, étant entendu toutefois que le Conseil a la faculté de décider des questions de procédure, au cas où se produiraient des retards qu'il estimerait excessifs.

ARTICLE 86.—*Appels*

A moins que le Conseil n'en décide autrement, toute décision du Conseil sur la question de savoir si une entreprise de transports aériens internationaux est exploitée conformément aux dispositions de la présente Convention reste valable, à moins qu'elle ne soit infirmée en appel. Sur toute autre question, les décisions du Conseil sont suspendues, s'il en est fait appel, jusqu'à ce que le tribunal d'appel ait statué. Les décisions de la Cour permanente de Justice internationale ou d'un tribunal arbitral sont définitives et lient les Parties.

ARTICLE 87.—*Sanctions à l'égard d'une entreprise de transports aériens qui ne se conforme pas aux dispositions prévues*

Chaque Etat contractant s'engage à ne pas autoriser une entreprise de transports aériens d'un Etat contractant à survoler son territoire si le

tory if the Council has decided that the airline concerned is not conforming to a final decision rendered in accordance with the previous Article.

ARTICLE 88.—*Penalty for non-conformity by State*

The Assembly shall suspend the voting power in the Assembly and in the Council of any contracting State that is found in default under the provisions of this Chapter.

CHAPTER XIX

WAR

ARTICLE 89.—*War and emergency conditions*

In case of war, the provisions of this Convention shall not affect the freedom of action of any of the contracting States affected, whether as belligerents or as neutrals. The same principle shall apply in the case of any contracting State which declares a state of national emergency and notifies the fact to the Council.

CHAPTER XX

ANNEXES

ARTICLE 90.—*Adoption and amendment of Annexes*

(a) The adoption by the Council of the Annexes described in Article 54, subparagraph (1), shall require the vote of two-thirds of the Council at a meeting called for that purpose and shall then be submitted by the Council to each contracting State. Any such Annex or any amendment of an Annex shall become effective within three months after its submission to the contracting States or at the end of such longer period of time as the Council may prescribe, unless in the meantime a majority of the contracting States register their disapproval with the Council.

Conseil a décidé que l'entreprise en question ne se conforme pas à la décision définitive rendue conformément aux dispositions de l'article précédent.

ARTICLE 88.—*Sanctions à l'égard d'un Etat qui ne se conforme pas aux dispositions prévues*

L'Assemblée suspendra le droit de vote à l'Assemblée et au Conseil de tout Etat contractant trouvé en défaut par rapport aux dispositions du présent chapitre.

CHAPITRE XIX

GUERRE

ARTICLE 89.—*Etat de guerre et état de crise*

En cas de guerre, les dispositions de la présente Convention ne portent pas atteinte à la liberté d'action des Etats contractants, qu'ils soient belligérants ou neutres. Le même principe s'applique à tout Etat contractant qui proclame l'existence d'un état de crise et en donne notification au Conseil.

CHAPITRE XX

ANNEXES

ARTICLE 90.—*Adoption et modification des annexes*

a) L'adoption par le Conseil des annexes visées à l'alinéa 1) de l'article 54 requiert un vote des deux tiers des voix du Conseil lors d'une réunion convoquée à cette fin; lesdites sont ensuite soumises par le Conseil à chaque Etat contractant. Chacune desdites annexes ou tout amendement à une annexe prend effet dans les trois mois qui suivent sa communication aux Etats contractants ou à la fin d'une période plus longue fixée par le Conseil, à moins qu'entre temps la majorité des Etats contractants n'aient notifié leur désapprobation au Conseil.

(b) The Council shall immediately notify all contracting States of the coming into force of any Annex or amendment thereto.

b) Le Conseil avise immédiatement tous les Etats contractants de l'entrée en vigueur de toute annexe ou de tout amendement à une annexe.

CHAPTER XXI

RATIFICATIONS, ADHERENCES, AMENDMENTS, AND DENUNCIATIONS

ARTICLE 91.—*Ratification of Convention*

(a) This Convention shall be subject to ratification by the signatory States. The instruments of ratification shall be deposited in the archives of the Government of the United States of America, which shall give notice of the date of the deposit to each of the signatory and adhering States.

(b) As soon as this Convention has been ratified or adhered to by twenty-six States it shall come into force between them on the thirtieth day after deposit of the twenty-sixth instrument. It shall come into force for each State ratifying thereafter on the thirtieth day after the deposit of its instrument of ratification.

(c) It shall be the duty of the Government of the United States of America to notify the government of each of the signatory and adhering States of the date on which this Convention comes into force.

ARTICLE 92.—*Adherence to Convention*

(a) This Convention shall be open for adherence by members of the United Nations and States associated with them, and States which remained neutral during the present world conflict.

(b) Adherence shall be effected by a notification addressed to the Government of the United States of America and shall take effect as

CHAPITRE XXI

RATIFICATIONS, ADHÉSIONS, AMENDE- MENTS ET DÉNONCIATIONS

ARTICLE 91.—*Ratification de la Convention*

a) La présente Convention est soumise à la ratification des Etats signataires. Les instruments de ratification seront déposés dans les archives du Gouvernement des Etats-Unis d'Amérique, qui notifiera la date de ce dépôt à chacun des Etats signataires et adhérents.

b) Dès que la présente Convention aura réuni les ratifications ou adhésions de vingt-six Etats, elle entrera en vigueur entre ces Etats le trentième jour qui suivra la date du dépôt du vingt-sixième instrument de ratification ou d'adhésion. Elle entrera en vigueur, à l'égard de chaque Etat qui la ratifiera par la suite, le trentième jour qui suivra la date du dépôt de l'instrument de ratification dudit Etat.

c) Il incombera au Gouvernement des Etats-Unis d'Amérique de notifier au gouvernement de chacun des Etats signataires et adhérents la date d'entrée en vigueur de la présente Convention.

ARTICLE 92.—*Adhésion à la Convention*

a) La présente Convention est ouverte à l'adhésion des Etats membres des Nations Unies, des Etats associés à ceux-ci et des Etats demeurés neutres pendant le conflit mondial actuel.

b) Cette adhésion sera effectuée par une notification adressée au Gouvernement des Etats-Unis d'Amérique et prendra effet le trentième

from the thirtieth day from the receipt of the notification by the Government of the United States of America, which shall notify all the contracting States.

ARTICLE 93.—*Admission of other States*

States other than those provided for in Articles 91 and 92 (a) may, subject to approval by any general international organization set up by the nations of the world to preserve peace, be admitted to participation in this Convention by means of a four-fifths vote of the Assembly and on such conditions as the Assembly may prescribe: provided that in each case the assent of any State invaded or attacked during the present war by the State seeking admission shall be necessary.

ARTICLE 94.—*Amendment of Convention*

(a) Any proposed amendment to this Convention must be approved by a two-thirds vote of the Assembly and shall then come into force in respect of States which have ratified such amendment when ratified by the number of contracting States specified by the Assembly. The number so specified shall not be less than two-thirds of the total number of contracting States.

(b) If in its opinion the amendment is of such a nature as to justify this course, the Assembly in its resolution recommending adoption may provide that any State which has not ratified within a specified period after the amendment has come into force shall thereupon cease to be a member of the Organization and a party to the Convention.

ARTICLE 95.—*Denunciation of Convention*

(a) Any contracting State may give notice of denunciation of this

jour qui suivra la date de la réception de cette notification par le Gouvernement des Etats-Unis d'Amérique, qui la notifiera à tous les Etats contractants.

ARTICLE 93.—*Admission d'autres Etats*

Sous réserve de l'approbation de toute organisation internationale générale créée par les nations du monde pour le maintien de la paix, des Etats autres que ceux visés aux articles 91 et 92 a) peuvent être admis à participer à la présente Convention par un vote des quatre cinquièmes de l'Assemblée et dans les conditions que l'Assemblée pourra imposer, étant entendu que dans chaque cas l'assentiment de tout Etat envahi ou attaqué au cours de la guerre actuelle par l'Etat demandant son admission est nécessaire.

ARTICLE 94.—*Amendement à la Convention*

a) Tout projet d'amendement à la présente Convention doit être approuvé par les deux tiers des voix de l'Assemblée et entre alors en vigueur à l'égard des Etats qui l'ont ratifié, après ratification par le nombre d'Etats contractants fixé par l'Assemblée. Ce nombre ne devra pas être inférieur aux deux tiers du nombre total des Etats contractants.

b) Si l'Assemblée estime qu'un amendement est de nature à justifier cette mesure, elle peut, dans sa résolution qui en recommande l'adoption, stipuler qu'un Etat quelconque qui n'a pas ratifié ledit amendement dans un délai fixé à compter de la date de son entrée en vigueur cesse *ipso facto* d'être membre de l'Organisation et partie à la Convention.

ARTICLE 95.—*Dénonciation de la Convention*

a) Tout Etat contractant peut dénoncer la présente Convention

Convention three years after its coming into effect by notification addressed to the Government of the United States of America, which shall at once inform each of the contracting States.

(b) Denunciation shall take effect one year from the date of the receipt of the notification and shall operate only as regards the State effecting the denunciation.

trois ans après son entrée en vigueur au moyen d'une notification adressée au Gouvernement des Etats-Unis d'Amérique, qui en avise immédiatement chacun des Etats contractants.

b) Cette dénonciation prend effet un an après la date de réception de la notification et n'a d'effet qu'à l'égard de l'Etat qui l'a effectuée.

CHAPTER XXII

DEFINITIONS

ARTICLE 96

For the purpose of this Convention the expression:

(a) "Air service" means any scheduled air service performed by aircraft for the public transport of passengers, mail or cargo.

(b) "International air service" means an air service which passes through the air space over the territory of more than one State.

(c) "Airline" means any air transport enterprise offering or operating an international air service.

(d) "Stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, cargo or mail.

SIGNATURE OF CONVENTION

IN WITNESS WHEREOF, the undersigned plenipotentiaries, having been duly authorized, sign this Convention on behalf of their respective governments on the dates appearing opposite their signatures.

Done at Chicago the seventh day of December 1944, in the English language. A text drawn up in the English, French, and Spanish languages,¹ each of which shall be of

CHAPITRE XXII

DÉFINITIONS

ARTICLE 96

Aux fins de la présente Convention, il faut entendre par:

a) "Service aérien", tout service aérien régulier assuré par des aéronefs destinés au transport public de passagers, de courrier ou de marchandises;

b) "Service aérien international", un service qui traverse l'espace aérien situé au-dessus du territoire de deux ou plusieurs Etats;

c) "Entreprise de transports aériens", toute entreprise de transports aériens offrant ou exploitant un service aérien international.

d) "Escale non commerciale", une escale ayant un objet autre que celui d'embarquer ou de débarquer des passagers, des marchandises ou du courrier.

SIGNATURE DE LA CONVENTION

EN FOI DE QUOI, les plénipotentiaires soussignés, dûment autorisés à cet effet, signent la présente Convention au nom de leurs Gouvernements respectifs, aux dates figurant en regard de leurs signatures.

Fait à Chicago, le sept décembre mil neuf cent quarante-quatre, en langue anglaise. Un texte rédigé dans les langues anglaise, française et espagnole,¹ chacune faisant égale-

¹ The Convention was signed in the English original version formulated at the International Civil Aviation Conference which took place at Chicago from 1 November to 7 December 1944. No trilingual text has been opened for signature as provided for in the Convention. [Continued on page 210.—Ed.]

equal authenticity, shall be open for signature at Washington, D. C. Both texts shall be deposited in the archives of the Government of the United States of America, and certified copies shall be transmitted by that Government to the governments of all the States which may sign or adhere to this Convention.

ment foi, sera ouvert à la signature à Washington (D. C.). Les deux textes seront déposés aux archives du Gouvernement des Etats-Unis d'Amérique, qui en transmettra des copies certifiées conformes aux Gouvernements de tous les Etats qui signeront la présente Convention ou qui y adhéreront.

[Signed:] For **Afghanistan**: A. HOSAYN AZIZ; for the Government of the **Commonwealth of Australia**: ARTHUR S. DRAKEFORD; for **Belgium**: Vicomte DU PARC, April 9th, 1945; for **Bolivia**: TCNL. AL. PACHECO; for **Brazil**: FERNANDO LOBO, May 29th, 1945; for **Canada**: H. J. SYMINGTON; for **Chile**: R. SAÉNZ, G. BISQUERT, R. MAGALLANES B.; for **China**: CHANG KIA-NGAU; for **Colombia**: GONZALO RESTREPO JARAMILLO, October 31—1947; for **Costa Rica**: F. DE P. GUTIÉRREZ, March 10th, 1945; for **Cuba**: GMO. BELT, April 20, 1945; for **Czechoslovakia**: V. S. HURBAN, April 18, 45; for the **Dominican Republic**: C. A. McLAUGHLIN; for **Ecuador**: J. A. CORREA, FRANCISCO GOMEZ JURADO; for **Egypt**: M. HASSAN, M. ROUSHDY, M. A. KHALIFA; for **El Salvador**: FELIPE VEGA-GÓMEZ, May 9, 1945; for **Ethiopia**: RAS H. S. IMRU, Feb. 10, 1947; for **France**: M. HYMANS, C. LEBEL, BOURGES, P. LOCUSSOL; for **Greece**: D. T. NOTI BOTZARIS, A. J. ARGYROPOULOS; for **Guatemala**: OSC. MORALES L., Jan. 30, 1945; for **Haiti**: G. EDOUARD ROY; for **Honduras**: E. P. LEFEBVRE; for **Iceland**: THOR THORS; for **India**: G. V. BEWOOR; for **Iran**: M. SHAYESTEH; for **Iraq**: ALI JAWDAT; for **Ireland**: ROBT. BRENNAN, JOHN LEYDON, JOHN J. HEARNE, T. J. O'DRISCOLL; for **Lebanon**: C. CHAMOUN, F. EL-HOSS; for **Liberia**: WALTER F. WALKER; for **Luxembourg**: HUGUES LE GALLAIS, July 9th 1945; for **Mexico**: PEDRO A. CHAPA; for the **Netherlands**: COPES, F. C. ARONSTEIN; for the Government of **New Zealand**: DANIEL GILES SULLIVAN; for **Nicaragua**: R. E. FRIZELL; for **Norway**: W. MUNTHE MORGENSTIERNE, January 30, 1945; for **Panama**: (The Delegation of the Republic of Panama signs this Convention *ad referendum*, and subject to the following reservations: 1. Because of its strategic position and responsibility in the protection of the means of communication in its territory, which are of the utmost importance to world trade, and vital to the defense of the Western Hemisphere, the Republic of Panama reserves the right to take, with respect to all flights through the air space above its territory, all measures which in its judgment may be proper for its own security or the protection of said means of communication.—2. The Republic of Panama understands that the technical annexes to which reference is made in the Convention constitute recommendations only, and not binding obligations.1); for

The Government of the United States of America in the note of the State Department of 22 September 1947 addressed to the Chiefs of Mission of the Governments concerned, after having drawn their attention to the various problems involved in this respect and to the fact that the Convention as drawn up at the Chicago Conference did not place a specific responsibility upon the United States Government, as depository of the Convention, to prepare the trilingual text, concluded: "The Department of State considers that it is not advisable to proceed at this time with preparations to open for signature at Washington trilingual texts of those documents. On the contrary, the United States Government proposes to present the question to the Council of the International Civil Aviation Organization with a request that the question be placed on the agenda for the next meeting of the Assembly of that Organization. It is believed that this procedure will afford the most efficacious means by which the governments concerned may, after due consideration of all the factors and problems involved, make such decisions with respect thereto as they deem appropriate."

No signature is affixed to this statement.—Ed.

Paraguay: CELSO R. VELÁZQUEZ, July 27, 1945; for **Peru:** A. REVOREDO, J. S. KOECHLIN, LUIS ALVARADO, F. ELGUERA, GLLMO. VAN OORDT LEÓN; for the **Philippine Commonwealth:** J. HERNANDEZ, URBANO A. ZAFRA, J. H. FOLEY; for **Poland:** ZBYSŁAW CIOLKOSZ, Dr. H. J. GÓRECKI, STEFAN J. KONORSKI, WITOLD A. URBANOWICZ, LUDWIK H. GOTTLIEB; for **Portugal:** MÁRIO DE FIGUEREDO, ALFREDO DELESQUE DOS SANTOS CINTRA, DUARTE CALHIEROS, VASCO VIEIRA GARIN; for **Spain:** E. TERRADAS, GERMÁN BARAIBAR, DUARTE CALHEIROS; for **Sweden:** R. KUMLIN; for **Switzerland:** CHARLES BRUGGMANN, July 6th 1945; for **Syria:** N. KAHALE; for **Turkey:** S. KOCAK, F. SAHINBAS, ORHAN H. EROL; for the **Union of South Africa:** D. D. FORSYTH, 4th June, 1945; for the Government of the **United Kingdom of Great Britain and Northern Ireland:** SWINTON; for the **United States of America:** ADOLF A. BERLE, JR., ALFRED L. BULWINKLE, CHAS. A. WOLVERTON, F. LA GUARDIA, EDWARD WARNER, L. WELCH POGUE, WILLIAM A. M. BURDEN; for **Uruguay:** CARL CARBAJAL, Col. MEDARDO R. FARIAS; for **Denmark:** HENRIK KAUFFMANN; for **Thailand:** M. R. SENI PRAMOJ.

No. 640a

Protocol relating to an Amendment to the Convention on International Civil Aviation. Signed at Montreal, May 27, 1947.

Protocole concernant un amendement à la Convention relative à l'aviation civile internationale. Signé à Montréal, 27 mai 1947.

EDITOR'S NOTE. This Protocol was drawn up in accordance with a resolution of the First Assembly of the International Civil Aviation Organization of May 13, 1947, accepting a condition made by the General Assembly of the United Nations to the agreement between the United Nations and ICAO that ICAO should comply "with any decision of the General Assembly regarding Franco Spain." In its resolution on Spain, on December 12, 1946, the General Assembly recommended that "the Franco Government of Spain be debarred from membership in international agencies established by or brought into relationship with the United Nations." U.N. Doc. A/64/Add.1, pp. 63-64, 78.

RATIFICATIONS. On January 1, 1949, ratifications of the Protocol had been deposited at Montreal by Afghanistan, Canada, Ceylon, China, Czechoslovakia, Dominican Republic, Great Britain, India, New Zealand, and Pakistan.

BIBLIOGRAPHY. The text of this Protocol is also published in Canada, *Treaty Series*, 1947, No. 22; *Br. Parl. Papers*, Misc. No. 11 (1947), Cmd. 7202; 17 *U.S. Department of State Bulletin* (1947), p. 177. For a report on it, see *idem*, p. 175.

Not entered into force (January 1, 1949).

Text supplied by the International Civil Aviation Organization.

The Assembly of the International Civil Aviation Organization,

Having been convened at Montreal by the Interim Council of the Provisional International Civil Aviation Organization, and having met in its First Session on May 6th 1947, and

L'Assemblée de l'Organisation de l'aviation civile internationale,

Convoquée à Montréal par le Conseil intérimaire de l'Organisation provisoire de l'aviation civile internationale et s'y étant réunie le 6 mai 1947 en sa première session, et

Having considered it advisable to amend the Convention on International Civil Aviation done at Chicago on December 7th 1944,

Approved on the thirteenth day of May of the year one thousand nine hundred and forty-seven, in accordance with the provisions of Article 94 (a) of the Convention on International Civil Aviation done at Chicago on December 7th 1944, the following proposed amendment to the said Convention which shall be numbered as "Article 93 bis":

"Article 93 bis

(A) Notwithstanding the provisions of Articles 91, 92 and 93, above,

(1) A State whose government the General Assembly of the United Nations has recommended be debarred from membership in international agencies established by or brought into relationship with the United Nations shall automatically cease to be a member of the International Civil Aviation Organization;

(2) A State which has been expelled from membership in the United Nations shall automatically cease to be a member of the International Civil Aviation Organization unless the General Assembly of the United Nations attaches to its act of expulsion a recommendation to the contrary.

(B) A State which ceases to be a member of the International Civil Aviation Organization as a result of the provisions of paragraph (A) above may, after approval by the General Assembly of the United Nations, be readmitted to the International Civil Aviation Organization upon application and upon approval by a majority of the Council.

(C) Members of the Organization which are suspended from the exercise of the rights and privileges of

Estimant désirable d'apporter un amendement à la Convention relative à l'aviation civile internationale en date à Chicago du 7 décembre 1944,

A adopté le treize mai mil neuf cent quarante-sept, conformément aux dispositions de l'article 94 (a) de la Convention relative à l'aviation civile internationale en date à Chicago du 7 décembre 1944, un amendement proposé à ladite Convention, dont le texte suit et qui constituera un "Article 93 bis":

"Article 93 bis

(A) Nonobstant les dispositions des Articles 91, 92 et 93 ci-dessus,

(1) Tout Etat dont le gouvernement fait l'objet de la part de l'Assemblée générale de l'Organisation des Nations Unies d'une recommandation tendant à le priver de sa qualité de membre d'institutions internationales, établies par l'Organisation des Nations Unies ou reliées à celle-ci, cesse automatiquement d'être membre de l'Organisation de l'aviation civile internationale;

(2) Tout Etat qui est exclu de l'Organisation des Nations Unies cesse automatiquement d'être membre de l'Organisation de l'aviation civile internationale à moins que l'Assemblée générale de l'Organisation des Nations Unies joigne à son acte d'exclusion une recommandation contraire.

(B) Tout Etat qui cesse d'être membre de l'Organisation de l'aviation civile internationale, en application des dispositions du paragraphe (A) ci-dessus, peut, avec l'accord de l'Assemblée générale de l'Organisation des Nations Unies, être admis à nouveau dans l'Organisation de l'aviation civile internationale sur sa demande, et avec l'approbation du Conseil votée à la majorité.

(C) Les membres de l'Organisation qui sont suspendus de l'exercice des droits et privilèges inhérents à la

membership of the United Nations shall, upon the request of the latter, be suspended from the rights and privileges of membership in this Organization",

Specified on the sixteenth day of May of the year one thousand nine hundred and forty-seven, pursuant to the provisions of the said Article 94 (a) of the said Convention, that the above mentioned amendment shall come into force when ratified by twenty-eight Contracting States, and

Instructed at the same date the Secretary General of the International Civil Aviation Organization to draw up a Protocol embodying this proposed amendment and to the following effect, which Protocol shall be signed by the President and the Secretary General of the First Assembly.

Consequently, pursuant to the aforesaid action of the Assembly,

The present Protocol shall be subject to ratification by any State which has ratified or adhered to the said Convention. The instruments of ratification shall be transmitted to the Secretary General of the International Civil Aviation Organization for deposit in the archives of the Organization; the Secretary General of the Organization shall immediately notify all Contracting States of the date of deposit of each ratification;

The aforesaid proposed amendment of the Convention shall come into force, in respect of the States which have ratified this Protocol, on the date on which the twenty-eighth instrument of ratification is deposited. The Secretary General of the Organization shall immediately notify all the States parties to or signatories of the said Convention of the date on which the proposed amendment comes into force;

The aforesaid proposed amendment shall come into force in respect

qualité de membre de l'Organisation des Nations Unies, sont, à la requête de cette dernière, suspendus des droits et privilèges inhérents à la qualité de membre de la présente Organisation",

A spécifié le seize mai mil neuf cent quarante-sept, conformément aux dispositions dudit Article 94 (a) de la Convention, que l'amendement ci-dessus n'entrera en vigueur qu'après avoir été ratifié par vingt-huit Etats contractants, et

A chargé, à la même date, le Secrétaire général de l'Organisation de l'aviation civile internationale d'établir un Protocole relatif au dit amendement proposé et pour les fins ci-après, ce Protocole devant être signé par le Président et le Secrétaire général de la Première Assemblée.

En conséquence, conformément aux décisions ci-dessus de l'Assemblée,

Le présent Protocole sera soumis à la ratification de tout Etat qui a ratifié la Convention relative à l'aviation civile internationale ou y a adhéré. Les instruments de ratification seront transmis au Secrétaire général de l'Organisation de l'aviation civile internationale pour être déposés dans les archives de l'Organisation; le Secrétaire général de l'Organisation notifiera immédiatement à tous les Etats contractants la date du dépôt de chaque instrument de ratification sur ce Protocole;

L'amendement proposé ci-dessus entrera en vigueur le jour du dépôt du vingt-huitième instrument de ratification à l'égard des Etats qui auront ratifié à cette date le présent Protocole. Le Secrétaire général de l'Organisation notifiera immédiatement à tous les Etats parties à la Convention ou signataires de celle-ci la date à laquelle le Protocole est entré en vigueur;

L'amendement proposé ci-dessus entrera en vigueur, à l'égard de tout

of each State ratifying after that date upon deposit of its instrument of ratification in the archives of the Organization.

IN FAITH WHEREOF the President and the Secretary General of the First Assembly of the International Civil Aviation Organization, being authorized thereto by the Assembly, sign this present Protocol.

Done at Montreal on the twenty-seventh day of May of the year one thousand nine hundred and forty-seven in a single document in the English, French and Spanish languages, each text being equally authentic. This Protocol shall remain deposited in the archives of the International Civil Aviation Organization; and certified copies thereof shall be transmitted by the Secretary General of the Organization to all States parties to or signatories of the Convention on International Civil Aviation done at Chicago on December 7th 1944.

autre Etat ratifiant ultérieurement le Protocole, le jour du dépôt de son instrument de ratification dans les archives de l'Organisation.

EN FOI DE QUOI, le Président et le Secrétaire général de la Première Assemblée de l'Organisation de l'aviation civile internationale, autorisés à cet effet par l'Assemblée, signent le présent Protocole.

Fait à Montréal, le vingt-septième jour de mai mil neuf cent quarante-sept, en un seul document, en français, en anglais et en espagnol, chacun des textes ayant une égale authenticité. Ce Protocole restera déposé dans les archives de l'Organisation de l'aviation civile internationale; et des copies certifiées conformes de ce Protocole seront transmises par le Secrétaire général de l'Organisation à tous les Etats parties à la Convention relative à l'aviation civile internationale en date à Chicago du 7 décembre 1944, ainsi qu'aux autres Etats signataires de ladite Convention.

ARTHUR S. DRAKEFORD, *President of the First Assembly.*

ALBERT ROPER, *Secretary General of the First Assembly.*

No. 640b

Agreement between the United Nations and the International Civil Aviation Organization. Signed at Lake Success, September 30, 1946.

Accord entre les Nations Unies et l'Organisation de l'aviation civile internationale. Signé à Lake Success, 30 septembre 1946.

EDITOR'S NOTE. This Agreement was approved by the General Assembly of the United Nations on December 14, 1946, subject to the condition that the Organization comply "with any decision of the General Assembly regarding Franco Spain," i.e., with its Resolution 39 (I) of December 12, 1946, which recommended that "the Franco Government of Spain be debarred from membership in international agencies established by or brought into relationship with the United Nations." U.N. Doc. A/64/Add.1, pp. 63-64, 78. The approval of the Agreement by the Assembly of the International Civil Aviation Organization on May 13, 1947, was accompanied by a resolution proposing an amendment to the membership clause of the convention on international civil aviation (No. 640a, *ante*). A protocol concerning the entry into force of the Agreement was signed at New York, October

1, 1947. 8 *U.N. Treaty Series*, p. 315. A supplementary agreement concerning the use of United Nations *laissez-passer* was signed on May 10 and 31, 1948. U.N. Doc. A/615.

Entered into force May 13, 1947.¹

Text supplied by the Secretariat of the United Nations.

PREAMBLE

Article 57 of the Charter of the United Nations makes provision for bringing the specialized agencies, established by intergovernmental agreement and having wide international responsibilities as defined in their basic instruments in economic, social, cultural, educational, health and related fields, into relationship with the United Nations.

Article 64 of the Convention on International Civil Aviation provides that the International Civil Aviation Organization may, with respect to air matters within its competence, directly affecting world security, enter into appropriate arrangements with any general organization set up by the nations of the world to preserve peace. Article 65 of the Convention provides that the Organization may enter into agreements with international bodies for the maintenance of common service, for common arrangements concerning personnel and for the facilitation of its work.

Therefore the United Nations and the International Civil Aviation Organization agree as follows:

ARTICLE 1

The United Nations recognizes the International Civil Aviation Organization as the specialized agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein.

PRÉAMBULE

L'Article 57 de la Charte des Nations Unies prévoit que les diverses institutions spécialisées créées par accords intergouvernementaux et pourvues, aux termes de leurs statuts, d'attributions internationales étendues dans les domaines économique, social, de la culture intellectuelle et de l'éducation, de la santé publique et autres domaines connexes, seront reliées aux Nations Unies.

L'article 64 de la Convention relative à l'aviation civile internationale prévoit que l'Organisation de l'aviation civile internationale peut, relativement aux questions aériennes de son ressort intéressant directement la sécurité universelle, conclure des arrangements spéciaux avec toute organisation générale établie par les nations du monde pour le maintien de la paix. L'article 65 de la Convention prévoit que l'organisation peut conclure des accords avec d'autres organismes internationaux, en vue de pourvoir à des services communs et prendre des arrangements communs au sujet du personnel ainsi que des mesures susceptibles de faciliter son travail.

En conséquence, les Nations Unies et l'Organisation de l'aviation civile internationale conviennent de ce qui suit:

ARTICLE 1

L'Organisation de l'aviation civile internationale est reconnue par les Nations Unies en tant que l'institution spécialisée chargée de prendre toutes les mesures conformes aux termes de son acte constitutif en vue d'atteindre les buts fixés par cet acte.

¹ Filed with the Secretariat of the United Nations, under No. 45, October 1, 1947.

ARTICLE 2.—Applications for membership by certain States

Any application submitted to the International Civil Aviation Organization by States other than those provided for in articles 91 and 92 (a) of the Convention on International Civil Aviation to become parties to the Convention, shall be immediately transmitted by the secretariat of the Organization to the General Assembly of the United Nations. The General Assembly may recommend the rejection of such application, and any such recommendation shall be accepted by the Organization. If no such recommendation is made by the General Assembly at the first session following receipt of the application, the application shall be decided upon by the Organization in accordance with the procedure established in article 93 of the Convention.

ARTICLE 3.—Reciprocal representation

1. Representatives of the United Nations shall be invited to attend the meetings of the Assembly of the International Civil Aviation Organization, the Council of the Organization and their commissions and committees and such general regional or other special meetings as the Organization may convene, and to participate, without vote, in the deliberations of these bodies.

2. Representatives of the International Civil Aviation Organization shall be invited to attend meetings of the Economic and Social Council and of its commissions and committees and to participate, without vote, in the deliberations of these bodies with respect to items on their agenda relating to civil aviation matters.

3. Representatives of the International Civil Aviation Organization shall be invited to attend meetings of the General Assembly of the

ARTICLE 2.—Demandes d'admission émanant de certains Etats

Les demandes d'admission à l'Organisation de l'aviation civile internationale émanant d'Etats autres que ceux visés aux articles 91 et 92 a) de la Convention relative à l'aviation civile internationale comme devant être parties à cette Convention, seront immédiatement transmises à l'Assemblée générale des Nations Unies par le secrétariat de l'organisation. L'Assemblée générale pourra recommander le rejet de cette demande et l'organisation sera tenue de déférer à cette recommandation. Si aucune recommandation de ce genre n'est faite par l'Assemblée générale au cours de la première session qui suivra la réception de la demande, il en sera décidé par l'organisation suivant la procédure prévue à l'article 93 de la Convention.

ARTICLE 3.—Représentation réciproque

1. Des représentants des Nations Unies seront invités à assister aux réunions de l'Assemblée de l'Organisation de l'aviation civile internationale et de ses commissions ainsi qu'à celles du Conseil de l'organisation et de ses comités et de toutes les conférences générales, régionales ou spéciales, convoquées par l'organisation, et à participer, sans droit de vote, aux délibérations de ces organes.

2. Des représentants de l'Organisation de l'aviation civile internationale seront invités à assister aux réunions du Conseil économique et social, de ses commissions et de ses comités et à participer, sans droit de vote, aux délibérations de ces organes quand il est traité des questions relatives à l'aviation civile qui sont inscrites à l'ordre du jour.

3. Des représentants de l'Organisation de l'aviation civile internationale seront invités à assister aux réunions de l'Assemblée générale

United Nations for the purposes of consultation on civil aviation matters.

4. Representatives of the International Civil Aviation Organization shall be invited to attend meetings of the main Committees of the General Assembly when civil aviation matters are under discussion, and to participate, without vote, in such discussions.

5. Representatives of the International Civil Aviation Organization shall be invited to attend meetings of the Trusteeship Council of the United Nations and to participate, without vote, in the deliberations thereof, with respect to items on its agenda relating to civil aviation matters.

6. Written statements submitted by the International Civil Aviation Organization on matters relating to civil aviation shall be distributed as soon as possible by the Secretariat of the United Nations to all members of the principal and subsidiary organs of the United Nations, and their commissions or committees as appropriate. Similarly, written statements of any of the principal or subsidiary organs of the United Nations and their commissions or committees shall be distributed as soon as possible by the secretariat of the Organization to all members of the Assembly or Council of the Organization as appropriate.

ARTICLE 4.—*Proposal of agenda items*

After such preliminary consultation as may be necessary, the International Civil Aviation Organization shall include on the agenda of the Assembly or Council of the Organization items proposed to it by the United Nations. Reciprocally the Economic and Social Council and its commissions, and the Trusteeship Council shall include on their agenda

des Nations Unies pour y être consultés sur les questions relatives à l'aviation civile.

4. Des représentants de l'Organisation de l'aviation civile internationale seront invités à assister aux réunions des grandes Commissions de l'Assemblée générale lorsque des questions relatives à l'aviation civile y seront discutées et à participer, sans droit de vote, aux délibérations.

5. Des représentants de l'Organisation de l'aviation civile internationale seront invités à assister aux réunions du Conseil de tutelle des Nations Unies et à participer, sans droit de vote, à ses délibérations sur les questions relatives à l'aviation civile, inscrites à l'ordre du jour.

6. Le Secrétariat des Nations Unies assurera la distribution, dans le plus bref délai possible, à tous les membres des organes principaux et subsidiaires des Nations Unies et à leurs commissions ou comités, selon le cas, de toutes communications écrites soumises par l'Organisation de l'aviation civile internationale et portant sur des questions d'aviation civile. De même, le secrétariat de l'organisation assurera, dans le plus bref délai possible, la distribution à tous les membres de l'Assemblée ou du Conseil de l'organisation, selon le cas, de toutes communications écrites soumises par l'un quelconque des organes principaux ou subsidiaires des Nations Unies et de leurs commissions ou comités.

ARTICLE 4.—*Inscription de questions à l'ordre du jour*

Sous réserve des consultations préliminaires qui pourraient être nécessaires, l'Organisation de l'aviation civile internationale inscrira à l'ordre du jour de l'Assemblée ou du Conseil de l'organisation les questions qui lui seront soumises par les Nations Unies. Réciproquement, le Conseil économique et social et ses commissions, ainsi que le Conseil de tutelle,

items proposed by the Assembly or Council of the Organization.

ARTICLE 5.—*Recommendations of the United Nations*

1. The International Civil Aviation Organization, having regard to the obligation of the United Nations to promote the objectives set forth in Article 55 of the Charter and the function and power of the Economic and Social Council, under Article 62 of the Charter, to make or initiate studies and reports with respect to international, economic, social, cultural, educational, health and related matters and to make recommendations concerning these matters to the specialized agencies concerned, and having regard also to the responsibility of the United Nations, under Articles 58 and 63 of the Charter, to make recommendations for the co-ordination of the policies and activities of such specialized agencies, agrees to arrange for the submission, as soon as possible, to its appropriate organ of all formal recommendations which the United Nations may make to it.

2. The International Civil Aviation Organization agrees to enter into consultation with the United Nations upon request, with respect to such recommendations, and in due course to report to the United Nations on the action taken by the Organization or by its members to give effect to such recommendations, or on the other results of their consideration.

3. The International Civil Aviation Organization affirms its intention of co-operating in whatever measures may be necessary to make co-ordination of the activities of

inscriront à leur ordre du jour les questions soumises par l'Assemblée ou le Conseil de l'organisation.

ARTICLE 5.—*Recommandations des Nations Unies*

1. L'Organisation de l'aviation civile internationale, eu égard à l'obligation des Nations Unies de favoriser la réalisation des buts prévus à l'Article 55 de la Charte, et aux fonctions et pouvoirs du Conseil économique et social qui, en vertu de l'Article 62 de la Charte, peut faire ou provoquer des études et des rapports sur des questions internationales dans les domaines économique, social, de la culture intellectuelle et de l'éducation, de la santé publique et autres domaines connexes et adresser des recommandations sur toutes ces questions aux institutions spécialisées intéressées; eu égard également à la mission assignée aux Nations Unies, aux termes des Articles 58 et 63 de la Charte, de faire des recommandations en vue de coordonner les programmes et activités des institutions spécialisées, convient de prendre toutes mesures en vue de soumettre, dans le plus bref délai possible, à son organe compétent, toutes recommandations formelles que les Nations Unies pourraient lui adresser.

2. L'Organisation de l'aviation civile internationale procédera à des échanges de vues avec les Nations Unies, à leur demande, au sujet de ces recommandations, et, en temps opportun, fera rapport aux Nations Unies sur les mesures prises par l'organisation ou par ses membres en vue de donner effet à ces recommandations ou sur tous autres résultats qui auraient suivi la prise en considération de ces recommandations.

3. L'Organisation de l'aviation civile internationale affirme son intention de collaborer à toutes mesures nécessaires, en vue d'assurer la coordination efficace des activités

specialized agencies and those of the United Nations fully effective. In particular, it agrees to participate in, and to co-operate with any body or bodies which the Economic and Social Council may establish for the purpose of facilitating such co-ordination, and to furnish such information as may be required for the carrying out of this purpose.

ARTICLE 6.—*Exchange of information and documents*

1. Subject to such arrangements as may be necessary for the safeguarding of confidential material, the fullest and promptest exchange of information and documents shall be made between the United Nations and the International Civil Aviation Organization.

2. Without prejudice to the generality of the provisions of paragraph 1:

(a) The International Civil Aviation Organization agrees to transmit to the United Nations regular reports on its activities;

(b) The International Civil Aviation Organization agrees to comply to the fullest extent practicable with any request which the United Nations may make for the furnishing of special reports, studies or information, subject to the condition set forth in article 16; and

(c) The Secretary-General of the United Nations shall, upon request, consult with the appropriate officer of the Organization with respect to the furnishing to the Organization of such information as may be of special interest to it.

ARTICLE 7.—*Assistance to the Security Council*

The International Civil Aviation Organization agrees to co-operate with the Economic and Social Council in furnishing such information and rendering such assistance to the Security Council as that Council

des institutions spécialisées et des Nations Unies. Elle convient, notamment, de participer à tout organe ou tous organes que le Conseil économique et social pourrait établir en vue de faciliter cette coordination et collaborer avec eux et de fournir les informations qui pourraient être nécessaires dans l'accomplissement de cette tâche.

ARTICLE 6.—*Echange d'informations et de documents*

1. Sous réserve des mesures qui pourraient être nécessaires pour sauvegarder le caractère confidentiel de certains documents, les Nations Unies et l'Organisation de l'aviation civile internationale procéderont à l'échange le plus complet et le plus rapide d'informations et de documents.

2. Sans porter préjudice au caractère général des dispositions du paragraphe 1:

a) L'Organisation de l'aviation civile internationale convient de fournir aux Nations Unies des rapports réguliers sur ses activités;

b) L'Organisation de l'aviation civile internationale convient de donner suite, dans toute la mesure du possible, à toute demande de rapports spéciaux, d'études ou d'informations présentée par les Nations Unies, sous réserve de la condition prévue à l'article 16;

c) Le Secrétaire général des Nations Unies procédera à des échanges de vues avec un fonctionnaire compétent de l'organisation, sur la demande de celle-ci, en vue de lui fournir toutes informations intéressant spécialement l'organisation.

ARTICLE 7.—*Assistance au Conseil de sécurité*

L'Organisation de l'aviation civile internationale convient de coopérer avec le Conseil économique et social pour fournir au Conseil de sécurité telles informations et telle assistance que celui-ci pourrait demander, y

may request, including assistance in carrying out decisions of the Security Council for the maintenance or restoration of international peace and security.

ARTICLE 8.—*Assistance to the Trusteeship Council*

The International Civil Aviation Organization agrees to co-operate with the Trusteeship Council in the carrying out of its functions, and in particular agrees that it will to the greatest extent possible render such assistance as the Trusteeship Council may request in regard to matters with which the Organization is concerned.

ARTICLE 9.—*Non-Self-Governing Territories*

The International Civil Aviation Organization agrees to co-operate with the United Nations in giving effect to the principles and obligations set forth in Chapter XI of the Charter with regard to matters affecting the well-being and development of the peoples of Non-Self-Governing Territories.

ARTICLE 10.—*Relations with the International Court of Justice*

1. The International Civil Aviation Organization agrees to furnish any information which may be requested by the International Court of Justice in pursuance of Article 34 of the Statute of the Court.

2. The General Assembly of the United Nations authorizes the International Civil Aviation Organization to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its activities other than questions concerning the mutual relationships of the International Civil Aviation Organization and the United Nations or other specialized agencies.

3. Such request may be addressed to the Court by the Assembly or the

compris l'assistance destinée à permettre l'exécution des décisions du Conseil de sécurité pour le maintien et le rétablissement de la paix et de la sécurité internationales.

ARTICLE 8.—*Assistance au Conseil de tutelle*

L'Organisation de l'aviation civile internationale convient de coopérer avec le Conseil de tutelle dans l'accomplissement de ses fonctions, et notamment, de lui fournir, dans toute la mesure du possible, telle assistance qu'il pourrait lui demander au sujet des questions intéressant l'organisation.

ARTICLE 9.—*Territoires non autonomes*

L'Organisation de l'aviation civile internationale convient de coopérer avec les Nations Unies à la mise en œuvre des principes et obligations prévus au Chapitre XI de la Charte en ce qui concerne les questions affectant le bien-être et le développement des peuples des territoires non autonomes.

ARTICLE 10.—*Relations avec la Cour internationale de Justice*

1. L'Organisation de l'aviation civile internationale convient de fournir toutes informations qui lui seraient demandées par la Cour internationale de Justice, conformément à l'Article 34 du Statut de la Cour.

2. L'Assemblée générale des Nations Unies autorise l'Organisation de l'aviation civile internationale à demander des avis consultatifs à la Cour internationale de Justice sur des questions juridiques qui se poseraient dans le cadre de son activité, à l'exception de celles concernant les relations réciproques entre l'organisation et les Nations Unies ou d'autres institutions spécialisées.

3. La requête peut être adressée à la Cour par l'Assemblée ou par le

Council of the International Civil Aviation Organization.

4. When requesting the International Court of Justice to give an advisory opinion, the International Civil Aviation Organization shall inform the Economic and Social Council of the request.

ARTICLE 11.—*Headquarters and regional offices*

1. The International Civil Aviation Organization, having regard to the desirability of the headquarters of specialized agencies being situated at the permanent seat of the United Nations and to the advantages that flow from such centralization, agrees to consult the United Nations before making any further decision concerning the location of its permanent headquarters.

2. Having due regard to the special needs of international civil aviation, any regional or branch offices which the International Civil Aviation Organization may establish shall, so far as is practicable, be closely associated with such regional or branch offices as the United Nations may establish.

ARTICLE 12.—*Personnel arrangements*

1. The United Nations and the International Civil Aviation Organization recognize that the eventual development of a single unified international civil service is desirable from the standpoint of effective administrative co-ordination, and with this end in view agree to develop common personnel standards, methods and arrangements designed to avoid unjustified differences in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate interchange of personnel in order to obtain the maximum benefit from their services.

Conseil de l'Organisation de l'aviation civile internationale.

4. Lorsqu'elle demande un avis consultatif à la Cour internationale de Justice, l'Organisation de l'aviation civile internationale en informe le Conseil économique et social.

ARTICLE 11.—*Siège et bureaux régionaux*

1. Considérant qu'il serait souhaitable que le siège permanent des institutions spécialisées fût situé au siège permanent des Nations Unies, et considérant les avantages qui résulteraient de cette centralisation, l'Organisation de l'aviation civile internationale convient de consulter les Nations Unies avant de prendre une décision relative à l'emplacement de son siège permanent.

2. Tenant dûment compte des besoins spéciaux de l'aviation civile internationale, les bureaux régionaux ou auxiliaires que l'Organisation de l'aviation civile internationale pourrait établir seraient, dans la mesure du possible, en rapports étroits avec les bureaux régionaux ou auxiliaires que les Nations Unies pourraient établir.

ARTICLE 12.—*Arrangements concernant le personnel*

1. Les Nations Unies et l'Organisation de l'aviation civile internationale reconnaissent que le développement futur d'un corps unifié de fonctionnaires internationaux est souhaitable du point de vue d'une coordination administrative efficace, et à cette fin, elles conviennent de concourir à l'établissement de règles communes concernant les méthodes et les arrangements destinés tant à éviter de graves inégalités dans les conditions d'emploi, ainsi qu'une concurrence dans le recrutement du personnel, qu'à faciliter l'échange de membres du personnel en vue de retirer le maximum d'avantages de leurs services.

2. The United Nations and the International Civil Aviation Organization agree to co-operate to the fullest extent possible in achieving these ends and in particular they agree:

(a) To consult together concerning the establishment of an International Civil Service Commission to advise on the means by which common standards of recruitment in the secretariats of the United Nations and of the specialized agencies may be ensured;

(b) To consult together concerning other matters relating to the employment of their officers and staff, including conditions of service, duration of appointments, classification, salary scales and allowances, retirement and pension rights and staff regulations and rules, with a view to securing as much uniformity in these matters as shall be found practicable;

(c) To co-operate in the interchange of personnel, when desirable, on a temporary or a permanent basis, making due provision for the retention of seniority and pension rights;

(d) To co-operate in the establishment and operation of suitable machinery for the settlement of disputes arising in connexion with the employment of personnel and related matters.

ARTICLE 13.—*Statistical services*

1. The United Nations and the International Civil Aviation Organization agree to strive for maximum co-operation, the elimination of all undesirable duplication between them, and the most efficient use of their technical personnel in their respective collection, analysis, publication, standardization, improvement and dissemination of statistical information. They agree to combine their efforts to secure the greatest possible usefulness and utiliza-

2. L'Organisation des Nations Unies et l'Organisation de l'aviation civile internationale conviennent de coopérer dans la plus large mesure possible en vue d'atteindre ce but et, notamment, elles conviennent:

a) De procéder à des échanges de vues au sujet de l'établissement d'une Commission d'administration internationale chargée de donner des conseils sur les moyens permettant d'avoir des règles communes pour le recrutement du personnel des secrétariats des Nations Unies et des institutions spécialisées;

b) De procéder à des échanges de vues au sujet des questions relatives à l'emploi des fonctionnaires et du personnel, y compris les conditions de service, la durée des nominations, la hiérarchie, les échelles de traitements et les indemnités, les droits à retraite et à pension, et les règlements du personnel, en vue de faire régner dans ce domaine autant d'uniformité qu'il sera possible;

c) De coopérer par des échanges de personnel, lorsque cela sera souhaitable, sur une base soit temporaire, soit permanente, en prenant soin de garantir le respect de l'ancienneté et les droits à pension;

d) De coopérer à l'établissement et à la mise en œuvre d'un mécanisme approprié pour le règlement des litiges concernant l'emploi du personnel et les questions s'y rattachant.

ARTICLE 13.—*Services de statistique*

1. Les Nations Unies et l'Organisation de l'aviation civile internationale conviennent de réaliser une coopération aussi complète que possible, d'éviter le double emploi superflu et d'utiliser avec la plus grande efficacité leurs personnels techniques dans leurs activités respectives pour recueillir, analyser, publier et diffuser les informations statistiques. Les Nations Unies et l'Organisation de l'aviation civile internationale conviennent de mettre

tion of statistical information and to minimize the burdens placed upon national Governments and other organizations from which such information may be collected.

2. The International Civil Aviation Organization recognizes the United Nations as the central agency for the collection, analysis, publication, standardization, improvement and dissemination of statistics serving the general purposes of international organizations.

3. The United Nations recognizes the International Civil Aviation Organization as the central agency responsible for the collection, analysis, publication, standardization, improvement and dissemination of statistics within its special sphere, without prejudice to the rights of the United Nations to concern itself with such statistics so far as they may be essential for its own purposes or for the improvement of statistics throughout the world.

4. The United Nations shall, in consultation with the International Civil Aviation Organization and with the other specialized agencies where appropriate, develop administrative instruments and procedures through which effective statistical co-operation may be secured between the United Nations and the agencies brought into relationship with it.

5. It is recognized as desirable that the collection of statistical information shall not be duplicated by the United Nations or any of its specialized agencies whenever it is practicable for any of them to utilize information or material which another may have available.

6. In order to build up a central collection of statistical information for general use, it is agreed that data supplied to the International Civil

leurs efforts en commun en vue d'assurer la plus grande utilité et le plus grand usage possible de leurs informations statistiques et de réduire au minimum les charges des Gouvernements et de toutes autres organisations auprès desquels de telles informations seront recueillies.

2. L'Organisation de l'aviation civile internationale reconnaît que les Nations Unies constituent l'organisme central chargé de recueillir, analyser, publier, unifier et améliorer les statistiques servant aux buts généraux des organisations internationales.

3. L'Organisation de l'aviation civile internationale est reconnue par les Nations Unies comme étant l'organisme approprié chargé de recueillir, analyser, publier, unifier et améliorer les statistiques dans son propre domaine, sans qu'il soit porté préjudice aux droits des Nations Unies de s'intéresser à de telles statistiques, pour autant qu'elles sont essentielles à la poursuite de leurs propres buts et au développement des statistiques dans le monde entier.

4. Les Nations Unies, après avoir consulté l'Organisation de l'aviation civile internationale et les autres institutions spécialisées, créeront, quand cela sera opportun, des instruments administratifs et des procédures propres au moyen desquels pourra être assurée une coopération efficace concernant les statistiques entre les Nations Unies et les institutions qui leur sont reliées.

5. Il est reconnu souhaitable que les informations statistiques ne soient pas rassemblées simultanément par les Nations Unies et par l'une des institutions spécialisées chaque fois qu'il est possible d'utiliser des informations ou la documentation qu'une autre institution peut fournir.

6. Afin d'établir un centre où les informations statistiques destinées à un usage général seront rassemblées, il est convenu que les données

Aviation Organization for incorporation in its basic statistical series or special reports should, so far as practicable, be made available to the United Nations.

7. It is agreed that data supplied to the United Nations for incorporation in its basic statistical series or special reports should, so far as practicable and appropriate, be made available to the International Civil Aviation Organization.

ARTICLE 14.—*Administrative and technical services*

1. The United Nations and the International Civil Aviation Organization recognize the desirability, in the interest of administrative and technical uniformity and of the most efficient use of personnel and resources, of avoiding whenever possible the establishment and operation of competitive or overlapping facilities and services among the United Nations and the specialized agencies.

2. Accordingly, the United Nations and the International Civil Aviation Organization agree to consult together concerning the establishment and use of common administrative and technical services and facilities in addition to those referred to in articles 12, 13 and 15, in so far as the establishment and use of such services may from time to time be found practicable and appropriate.

3. Arrangements shall be made between the United Nations and the International Civil Aviation Organization with regard to the registration and deposit of official documents.

ARTICLE 15.—*Budgetary and financial arrangements*

1. The International Civil Aviation Organization recognizes the desirability of establishing close budge-

fournies à l'Organisation de l'aviation civile internationale pour être insérées dans ses séries statistiques de base et dans ses rapports spéciaux, seront, dans la mesure du possible, mises à la disposition des Nations Unies.

7. Il est convenu que les données fournies aux Nations Unies pour être insérées dans leurs séries statistiques de base et dans leurs rapports spéciaux seront, dans la mesure où ce sera possible et approprié, mises à la disposition de l'Organisation de l'aviation civile internationale.

ARTICLE 14.—*Services administratifs et techniques*

1. Les Nations Unies et l'Organisation de l'aviation civile internationale reconnaissent que, afin d'unifier les méthodes administratives et techniques et de faire le meilleur usage possible du personnel et des ressources, il est souhaitable d'éviter, au sein des Nations Unies et des institutions spécialisées, la création de services qui se fassent concurrence ou qui fassent double emploi.

2. En conséquence, les Nations Unies et l'Organisation de l'aviation civile internationale conviennent de procéder à des échanges de vues dans le but d'établir des services administratifs et techniques communs, en plus de ceux qui sont mentionnés aux articles 12, 13 et 15, sauf à réviser périodiquement l'opportunité du maintien de tels services.

3. Les Nations Unies et l'Organisation de l'aviation civile internationale prendront toutes dispositions convenables concernant l'enregistrement et le dépôt des documents officiels.

ARTICLE 15.—*Arrangements budgétaires et financiers*

1. L'Organisation de l'aviation civile internationale reconnaît qu'il serait désirable que d'étroites re-

tary and financial relationships with the United Nations in order that the administrative operations of the United Nations and of the specialized agencies shall be carried out in the most efficient and economical manner possible, and that the maximum measure of co-ordination and uniformity with respect to these operations shall be secured.

2. The United Nations and the International Civil Aviation Organization agree to co-operate to the fullest extent possible in achieving these ends, and to consult together concerning the desirability of making appropriate arrangements for the inclusion of the budget of the Organization within a general budget of the United Nations. Any such arrangements which may be made shall be defined in a supplementary agreement between the two Organizations.

3. The Secretary-General of the United Nations and the appropriate officer of the International Civil Aviation Organization shall arrange for consultation in connexion with the preparation of the budget.

4. The International Civil Aviation Organization agrees to transmit its proposed budget to the United Nations annually at the same time as such budget is transmitted to its members. The General Assembly shall examine the administrative budget or proposed budget of the Organization and may make such recommendations as it may consider necessary.

5. Representatives of the International Civil Aviation Organization shall be entitled to participate, without vote, in the deliberations of the General Assembly or any Committee thereof at all times when the budget of the Organization or general administrative or financial questions affecting the Organization are under consideration.

6. The United Nations may undertake the collection of contribu-

tions budgétaires et financières s'établissent avec les Nations Unies, afin que les travaux administratifs des Nations Unies et des institutions spécialisées soient menés à bien de la manière la plus efficace et la plus économique possible et que le maximum de coordination et d'uniformité soit assuré dans ces travaux.

2. Les Nations Unies et l'Organisation de l'aviation civile internationale conviennent de coopérer dans toute la mesure du possible pour atteindre ces objectifs et de procéder à des échanges de vues afin de conclure les arrangements appropriés pour l'insertion du budget de l'organisation dans un budget général des Nations Unies. Ces arrangements seront définis dans un accord complémentaire entre les deux organisations.

3. Le Secrétaire général des Nations Unies et le fonctionnaire compétent de l'Organisation de l'aviation civile internationale procéderont à des échanges de vues sur la préparation du budget.

4. L'Organisation de l'aviation civile internationale convient de communiquer annuellement aux Nations Unies son projet de budget en même temps qu'elle le communiquera à ses membres. L'Assemblée générale examinera le budget ou le projet de budget de l'organisation et pourra faire des recommandations à l'organisation au sujet d'un ou de plusieurs postes dudit budget.

5. Les représentants de l'Organisation de l'aviation civile internationale ont le droit de participer, sans droit de vote, aux délibérations de l'Assemblée générale ou d'une de ses commissions toutes les fois que sont examinés le budget de l'organisation ou des questions générales administratives ou financières intéressant l'organisation.

6. Les Nations Unies pourront entreprendre le recouvrement des

tions from those members of the International Civil Aviation Organization which are also Members of the United Nations, in accordance with such arrangements as may be defined by a later agreement between the United Nations and the Organization.

7. The United Nations shall, upon its own initiative or upon the request of the International Civil Aviation Organization, arrange for studies to be undertaken concerning other financial and fiscal questions of interest to the Organization and to other specialized agencies, with a view to the provision of common services and the securing of uniformity in such matters.

8. The International Civil Aviation Organization agrees to conform, as far as may be practicable, to standard practices and forms recommended by the United Nations.

ARTICLE 16.—*Financing of special services*

1. In the event of the International Civil Aviation Organization's being faced with the necessity of incurring substantial extra expense as a result of any request which the United Nations may make for special reports, studies or assistance in accordance with articles 6, 7, 8, or with other provisions of this Agreement, consultation shall take place with a view to determining the most equitable manner in which such expense shall be borne.

2. Consultation between the United Nations and the International Civil Aviation Organization shall similarly take place with a view to making such arrangements as may be found equitable for covering the cost of central administrative, technical or fiscal services or facilities or other special assistance provided by the United Nations.

contributions des membres de l'Organisation de l'aviation civile internationale qui sont aussi Membres des Nations Unies, conformément aux arrangements qui seront définis, s'il y a lieu, dans un accord ultérieur entre les Nations Unies et l'organisation.

7. Les Nations Unies prendront, de leur propre initiative ou à la requête de l'Organisation de l'aviation civile internationale, des dispositions pour entreprendre des études sur les questions financières et fiscales intéressant l'organisation et les autres institutions spécialisées, en vue d'établir des services communs et d'assurer l'uniformité dans ces domaines.

8. L'Organisation de l'aviation civile internationale convient de se conformer, dans la mesure du possible, aux pratiques et aux règles uniformes recommandées par les Nations Unies.

ARTICLE 16.—*Financement des services spéciaux*

1. Dans le cas où l'Organisation de l'aviation civile internationale aurait à faire face à des dépenses supplémentaires importantes rendues nécessaires par suite d'une demande de rapports, d'études ou d'assistance spéciale, aux termes des articles 6, 7, 8, ou de toute autre disposition du présent Accord, l'Organisation de l'aviation civile internationale et les Nations Unies procéderont à des échanges de vues afin de déterminer la façon la plus équitable de faire face à ces dépenses.

2. De même, les Nations Unies et l'Organisation de l'aviation civile internationale procéderont à des échanges de vues afin de prendre les dispositions équitables pour couvrir les frais des services centraux administratifs, techniques ou fiscaux, ou de toute autre assistance fournie par les Nations Unies.

ARTICLE 17.—*Inter-agency agreements*

The International Civil Aviation Organization agrees to inform the Economic and Social Council of the nature and scope of any formal agreement between the Organization and any other specialized agency, inter-governmental or non-governmental organization, and to inform the Economic and Social Council before any such agreement is concluded.

ARTICLE 18.—*Liaison*

1. The United Nations and the International Civil Aviation Organization agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective liaison between the two Organizations. They affirm their intention of taking whatever further measure may be necessary to make this liaison fully effective.

2. The liaison arrangements provided for in the foregoing articles of this Agreement shall apply as far as appropriate to the relations between such branch or regional offices as may be established by the two Organizations, as well as between their headquarters.

ARTICLE 19.—*Implementation of the Agreement*

The Secretary-General of the United Nations and the appropriate officer of the International Civil Aviation Organization may enter into such supplementary arrangements for the implementation of this Agreement as may be found desirable, in the light of the operating experience of the two Organizations.

ARTICLE 20.—*Other arrangements*

The present Agreement shall not preclude the conclusion of further appropriate arrangements between the International Civil Aviation

ARTICLE 17.—*Accords entre institutions*

L'Organisation de l'aviation civile internationale convient d'informer le Conseil économique et social de la nature et de l'étendue de tout accord formel qu'elle conclurait avec toute autre institution spécialisée ou organisation intergouvernementale ou non gouvernementale, et notamment de l'informer avant de conclure de tels accords.

ARTICLE 18.—*Liaison*

1. Les Nations Unies et l'Organisation de l'aviation civile internationale conviennent des dispositions précédentes dans l'espoir qu'elles contribueront à assurer une liaison effective entre les deux organisations. Elles affirment leur intention de prendre toutes les mesures supplémentaires qui pourront être nécessaires pour rendre cette liaison vraiment efficace.

2. Les dispositions relatives aux liaisons prévues aux articles précédents du présent Accord s'appliqueront, dans toute la mesure du possible, tant aux relations entre les bureaux régionaux et locaux que les deux organisations pourront établir, qu'aux relations entre leurs administrations centrales.

ARTICLE 19.—*Exécution de l'Accord*

Le Secrétaire général des Nations Unies et le fonctionnaire compétent de l'Organisation de l'aviation civile internationale peuvent conclure tous arrangements complémentaires, en vue d'appliquer le présent Accord, qui peuvent paraître souhaitables à la lumière de l'expérience des deux organisations.

ARTICLE 20.—*Autres arrangements*

Le présent Accord n'empêchera pas la conclusion, entre l'Organisation de l'aviation civile internationale et les Nations Unies, de

Organization and the United Nations with respect to air matters within the competence of the Organization directly affecting world security as contemplated in the Convention on International Civil Aviation.

ARTICLE 21.—*Revision*

This Agreement shall be subject to revision by agreement between the United Nations and the International Civil Aviation Organization.

ARTICLE 22.—*Entry into force*

This Agreement shall come into force on its approval by the General Assembly of the United Nations and the Assembly of the International Civil Aviation Organization.

nouveaux arrangements au sujet des questions aériennes de son ressort intéressant directement la sécurité universelle, ainsi qu'il est prévu dans la Convention relative à l'aviation civile internationale.

ARTICLE 21.—*Révision*

Le présent Accord sera sujet à révision par entente entre les Nations Unies et l'Organisation de l'aviation civile internationale.

ARTICLE 22.—*Entrée en vigueur*

Le présent Accord entrera en vigueur lorsqu'il aura été approuvé par l'Assemblée générale des Nations Unies et l'Assemblée de l'Organisation de l'aviation civile internationale.

No. 641

INTERNATIONAL Air Services Transit Agreement. Opened for signature at Chicago, December 7, 1944.

ACCORD concernant le transit des services aériens internationaux. Ouvert à la signature à Chicago, 7 décembre 1944.

EDITOR'S NOTE. This Agreement, known as the "two freedoms agreement," was formulated at the International Civil Aviation Conference held at Chicago, November 1–December 7, 1944. For the text of the more embracing "five freedoms agreement," concluded at the same time, see No. 642, *post*; for the text of other instruments drawn up at that conference, see Nos. 639, 640, *ante*. For a British-French agreement of June 18, 1947, regarding the mutual application of the "two freedoms," see *British Treaty Series*, No. 62 (1947), Cmd. 7194. A convention on transit of airplanes was signed at Buenos Aires, June 19, 1935 (No. 417, *ante*). Numerous bipartite instruments on transit by air have been concluded in recent years.

ACCEPTANCES. On February 28, 1949, acceptances of this Agreement had been effected by Afghanistan, Argentine Republic, Australia, Belgium, Bolivia, Canada, Cuba, Czechoslovakia, Denmark, Egypt, El Salvador, Ethiopia, France, Great Britain (with reservation), Greece, Guatemala, Honduras, Iceland, India (with reservation), Iraq, Liberia, Luxemburg, Mexico, Netherlands, New Zealand (with reservation), Nicaragua, Norway, Pakistan, Paraguay, Philippines, Poland, South Africa, Spain, Sweden, Switzerland, Thailand, Transjordan, Turkey, the United States of America, and Venezuela.

BIBLIOGRAPHY. The text of this Agreement is also published in U.S. Department of State, Publication 2282, Conference Series No. 64, p. 87; *Br. Parl. Papers*, Misc. No. 6 (1945), Cmd. 6614; Canada, *Treaty Series*, 1944, No. 36, p. 60; 39 *Am. Jour. Int. Law* (Supp., 1945), pp. 135–38.

See also the bibliography under No. 639, *ante*.

Entered into force January 30, 1945.

Text from *U.S. Executive Agreement Series*, No. 487.

The States which sign and accept this International Air Services Transit Agreement, being members of the International Civil Aviation Organization, declare as follows:

ARTICLE I

Section 1. Each contracting State grants to the other contracting States the following freedoms of the air in respect of scheduled international air services:

(1) The privilege to fly across its territory without landing;

(2) The privilege to land for non-traffic purposes.

The privileges of this section shall not be applicable with respect to airports utilized for military purposes to the exclusion of any scheduled international air services. In areas of active hostilities or of military occupation, and in time of war along the supply routes leading to such areas, the exercise of such privileges shall be subject to the approval of the competent military authorities.

Section 2. The exercise of the foregoing privileges shall be in accordance with the provisions of the Interim Agreement on International Civil Aviation and, when it comes into force, with the provisions of the Convention on International Civil Aviation, both drawn up at Chicago on December 7, 1944.

Section 3. A contracting State granting to the airlines of another contracting State the privilege to stop for non-traffic purposes may require such airlines to offer reasonable commercial service at the points at which such stops are made.

Such requirement shall not involve any discrimination between airlines operating on the same route, shall take into account the capacity of the aircraft, and shall be exercised in such a manner as not to prejudice the normal operations of the inter-

national air services concerned or the rights and obligations of a contracting State.

Section 4. Each contracting State may, subject to the provisions of this Agreement,

(1) Designate the route to be followed within its territory by any international air service and the airports which any such service may use;

(2) Impose or permit to be imposed on any such service just and reasonable charges for the use of such airports and other facilities; these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services: provided that, upon representation by an interested contracting State, the charges imposed for the use of airports and other facilities shall be subject to review by the Council of the International Civil Aviation Organization established under the above-mentioned Convention, which shall report and make recommendations thereon for the consideration of the State or States concerned.

Section 5. Each contracting State reserves the right to withhold or revoke a certificate or permit to an air transport enterprise of another State in any case where it is not satisfied that substantial ownership and effective control are vested in nationals of a contracting State, or in case of failure of such air transport enterprise to comply with the laws of the State over which it operates, or to perform its obligations under this Agreement.

ARTICLE 2

Section 1. A contracting State which deems that action by another contracting State under this Agreement is causing injustice or hardship to it, may request the Council to examine the situation. The Council

shall thereupon inquire into the matter, and shall call the States concerned into consultation. Should such consultation fail to resolve the difficulty, the Council may make appropriate findings and recommendations to the contracting States concerned. If thereafter a contracting State concerned shall in the opinion of the Council unreasonably fail to take suitable corrective action, the Council may recommend to the Assembly of the above-mentioned Organization that such contracting State be suspended from its rights and privileges under this Agreement until such action has been taken. The Assembly by a two-thirds vote may so suspend such contracting State for such period of time as it may deem proper or until the Council shall find that corrective action has been taken by such State.

Section 2. If any disagreement between two or more contracting States relating to the interpretation or application of this Agreement cannot be settled by negotiation, the provisions of Chapter XVIII of the above-mentioned Convention shall be applicable in the same manner as provided therein with reference to any disagreement relating to the interpretation or application of the above-mentioned Convention.

ARTICLE 3

This Agreement shall remain in force as long as the above-mentioned Convention; provided, however, that any contracting State, a party to the present Agreement, may denounce it on one year's notice given by it to the Government of the United States of America, which shall at once inform all other contracting States of such notice and withdrawal.

ARTICLE 4

Pending the coming into force of the above-mentioned Convention, all references to it herein, other than those contained in Article 2, Section

2, and Article 5, shall be deemed to be references to the Interim Agreement on International Civil Aviation drawn up at Chicago on December 7, 1944; and references to the International Civil Aviation Organization, the Assembly, and the Council shall be deemed to be references to the Provisional International Civil Aviation Organization, the Interim Assembly, and Interim Council, respectively.

ARTICLE 5

For the purposes of this Agreement, "territory" shall be defined as in Article 2 of the above-mentioned Convention.

ARTICLE 6

Signatures and Acceptances of Agreement

The undersigned delegates to the International Civil Aviation Conference, convened in Chicago on November 1, 1944, have affixed their signatures to this Agreement with the understanding that the Government of the United States of America shall be informed at the earliest possible date by each of the governments on whose behalf the Agreement has been signed whether signature on its behalf shall constitute an acceptance of the Agreement by that government and an obligation binding upon it.

Any State a member of the International Civil Aviation Organization may accept the present Agreement as an obligation binding upon it by notification of its acceptance to the Government of the United States, and such acceptance shall become effective upon the date of the receipt of such notification by that Government.

This Agreement shall come into force as between contracting States upon its acceptance by each of them. Thereafter it shall become binding as to each other State indicating its acceptance to the Government of the United States on the date of the re-

ceipt of the acceptance by that Government. The Government of the United States shall inform all signatory and accepting States of the date of all acceptances of the Agreement, and of the date on which it comes into force for each accepting State.

IN WITNESS WHEREOF, the undersigned, having been duly authorized, sign this Agreement on behalf of their respective governments on the dates appearing opposite their respective signatures.

Done at Chicago the seventh day of December, 1944, in the English language. A text drawn up in the English, French, and Spanish languages, each of which shall be of equal authenticity, shall be opened for signature at Washington, D. C. Both texts shall be deposited in the archives of the Government of the United States of America, and certified copies shall be transmitted by that Government to the governments of all the States which may sign and accept this Agreement.

[Signed: ¹ For **Afghanistan**: A. HOSAYN AZIZ; for the Government of the **Commonwealth of Australia**: [July 4, 1945]; for **Belgium**: [April 9, 1945]; for **Bolivia**: TCNL. A. PACHECO; for **Canada**: [February 10, 1945]; for **Chile**: R. SAENZ, G. BISQUERT, R. MAGALLANES B.; for **Costa Rica**: [March 10, 1945]; for **Cuba**: [April 20, 1945]; for **Czechoslovakia**: [April 18, 1945]; for **Ecuador**: J. A. CORREA, FRANCISCO GOMEZ JURADO; for **Egypt**: M. HASSAN, M. ROUSHDY, M. A. KHALIFA; for **El Salvador**: [May 9, 1945]; for **Ethiopia**: [March 22, 1945]; for **France**: M. HYMAN, C. LEBEL, BOURGES, P. LOCUS-SOL; for **Greece**: D. NOTI BOTZARIZ, A. J. ARGYROPOULOS; for **Guatemala**: [January 30, 1945]; for **Haiti**: EDOUARD ROY; for **Honduras**: E. P. LEFEBVRE; for **Iceland**: [April 4, 1945]; for **India**: G. BEWOOR; for **Iran**: M. SHAYESTEH; for **Iraq**: ALI JAWDAT; for **Lebanon**: C. CHAMOUN, F. EL-HOSS; for **Liberia**: WALTER F. WALKER; for **Luxembourg**: [July 9, 1945]; for **Mexico**: PEDRO A. CHAPA; for the **Netherlands**: M. STEENBERGHE, COPES, F. E. ARONSTEIN; for the Government of **New Zealand**: DANIEL GILES SULLIVAN; for **Nicaragua**: R. E. FRIZELL; for **Norway**: [January 30, 1945]; for **Paraguay**: [July 27, 1945]; for **Peru**: A. REVOREDO, J. S. KOECHLIN, LUIS ALVARADO, F. ELGUERA, GUILLERMO VAN OORDT; for the **Philippine Commonwealth**: J. HERNANDEZ, URBANO A. ZAFRA, J. H. FOLEY; for **Poland**: ZBYSŁAW CIOLKOSZ, Dr. H. J. GORECKI, STEFAN J. KONORSKI, WITOLD A. URBANOWICZ, LUDWIK H. GOTTLIEB; for **Spain**: E. TERRADAS, GERMÁN BARAIBAR; for **Sweden**: R. KUMLIN; for **Switzerland**: [July 6, 1945]; for **Syria**: [July 6, 1945]; for **Turkey**: S. KOCAK, F. SAHINBAS, ORHAN H. EROL; for the **Union of South Africa**: [June 4, 1945]; for the Government of the **United Kingdom of Great Britain and Northern Ireland**: (I declare that, failing later notification of inclusion, my signature to this Agreement does not cover Newfoundland.) [Reservation excluding Newfoundland withdrawn February 2, 1945.] SWINTON; for the **United States of America**: ADOLF A. BERLE, JR.; ALFRED L. BULWINKLE, CHAS. A. WOLVERTON, F. LA GUARDIA, EDWARD WARNER, L. WELCH POGUE, WILLIAM A. M. BURDEN; for **Uruguay**: CARL CARBAJAL, Col. MEDARDO R. FARIAS; for **Venezuela**: (La Delegación de Venezuela firma *ad referendum* y deja constancia de que la aprobación de este documento por su Gobierno está sujeta a las disposiciones constitucionales de los Estados Unidos de Venezuela.) F. J. SUCRE, J. BLANCO USTÁRIZ; for **Denmark**: HENRIK KAUFFMANN; for **Thailand**: M. R. SENI PRAMOJ.

¹ Signatures affixed to the original document subsequent to the date of January 22, 1945, do not appear herein, but the dates of those signatures have been inserted in brackets.—Ed.

No. 642

INTERNATIONAL Air Transport Agreement. Opened for signature at Chicago, December 7, 1944.**ACCORD concernant le transport aérien international. Ouvert à la signature à Chicago, 7 décembre 1944.**

EDITOR'S NOTE. This Agreement, also known as the "five freedoms agreement," was formulated at the International Civil Aviation Conference held at Chicago, November 1-December 7, 1944. For the text of the more limited "two freedoms" agreement concluded at the same time, see No. 641, *ante*; for the text of other instruments drawn up at that conference, see Nos. 639, 640, *ante*. A protocol on the establishment and operation of regular air lines was signed by Italy, Rumania, and Yugoslavia on September 19, 1937 (No. 494, *ante*). Numerous bipartite instruments have been concluded on the subject in recent years; see, for instance, the American-Spanish agreement of December 2, 1944 (*U.S. Executive Agreement Series*, No. 432), and the American-British agreement of February 11, 1946 (*U.S. Treaties and Other International Acts Series*, No. 1507).

ACCEPTANCES. On April 1, 1948, acceptances of this Agreement had been effected by Afghanistan, Bolivia, China, Dominican Republic, El Salvador, Ethiopia, Greece (with reservation), Honduras, Liberia, Netherlands, Nicaragua, Paraguay, Sweden, Thailand, Turkey (with reservation), the United States of America, and Venezuela.

DENUNCIATIONS. The Agreement has been denounced by Afghanistan (March 18, 1948), China (December 11, 1946), Dominican Republic (October 14, 1946), Nicaragua (October 7, 1946), and the United States of America (July 25, 1946).

BIBLIOGRAPHY. The text of this Agreement is also published in U.S. Department of State, Publication No. 2282, Conference Series No. 64, p. 91, *Br. Parl. Papers*, Misc. No. 6 (1945), Cmd. 6614; Canada, *Treaty Series*, 1944, No. 36, p. 60; 39 *Am Jour. Int. Law* (Supp., 1945), pp. 139-43.

J. C. Cooper, "Air Transport and World Organization," 55 *Yale Law Journal* (1946), pp. 1191-1213; G. Norton, "World Air Transport. Development of United States Policy," 15 *U.S. Department of State Bulletin* (1946), pp. 1006-10; O. Ryan, "Recent Developments in United States International Air Transport Policy," 1 *Air Affairs* (1946), pp. 45-66.

See also the bibliography under No. 639, *ante*.

Entered into force February 8, 1945.

Text from *U.S. Executive Agreement Series*, No. 488.

The States which sign and accept this International Air Transport Agreement, being members of the International Civil Aviation Organization, declare as follows:

ARTICLE I

Section 1. Each contracting State grants to the other contracting States the following freedoms of the air in respect of scheduled international air services:

(1) The privilege to fly across its

territory without landing;

(2) The privilege to land for non-traffic purposes;

(3) The privilege to put down passengers, mail and cargo taken on in the territory of the State whose nationality the aircraft possesses;

(4) The privilege to take on passengers, mail and cargo destined for the territory of the State whose nationality the aircraft possesses;

(5) The privilege to take on passengers, mail and cargo destined for

the territory of any other contracting State and the privilege to put down passengers, mail and cargo coming from any such territory.

With respect to the privileges specified under paragraphs (3), (4), and (5) of this section, the undertaking of each contracting State relates only to through services on a route constituting a reasonably direct line out from and back to the homeland of the State whose nationality the aircraft possesses.

The privileges of this section shall not be applicable with respect to airports utilized for military purposes to the exclusion of any scheduled international air services. In areas of active hostilities or of military occupation, and in time of war along the supply routes leading to such areas, the exercise of such privileges shall be subject to the approval of the competent military authorities.

Section 2. The exercise of the foregoing privileges shall be in accordance with the provisions of the Interim Agreement on International Civil Aviation and, when it comes into force, with the provisions of the Convention on International Civil Aviation, both drawn up at Chicago on December 7, 1944.

Section 3. A contracting State granting to the airlines of another contracting State the privilege to stop for non-traffic purposes may require such airlines to offer reasonable commercial service at the points at which such stops are made.

Such requirement shall not involve any discrimination between airlines operating on the same route, shall take into account the capacity of the aircraft, and shall be exercised in such a manner as not to prejudice the normal operations of the international air services concerned or the rights and obligations of any contracting State.

Section 4. Each contracting State shall have the right to refuse per-

mission to the aircraft of other contracting States to take on in its territory passengers, mail and cargo carried for remuneration or hire and destined for another point within its territory. Each contracting State undertakes not to enter into any arrangements which specifically grant any such privilege on an exclusive basis to any other State or an airline of any other State, and not to obtain any such exclusive privilege from any other State.

Section 5. Each contracting State may, subject to the provisions of this Agreement,

(1) Designate the route to be followed within its territory by any international air service and the airports which any such service may use;

(2) Impose or permit to be imposed on any such service just and reasonable charges for the use of such airports and other facilities; these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services: provided that, upon representation by an interested contracting State, the charges imposed for the use of airports and other facilities shall be subject to review by the Council of the International Civil Aviation Organization established under the above-mentioned Convention, which shall report and make recommendations thereon for the consideration of the State or States concerned.

Section 6. Each contracting State reserves the right to withhold or revoke a certificate or permit to an air transport enterprise of another State in any case where it is not satisfied that substantial ownership and effective control are vested in nationals of a contracting State, or in case of failure of such air transport enterprise to comply with the laws of the State over which it operates, or to perform its obligations under this Agreement.

ARTICLE 2

Section 1. The contracting States accept this Agreement as abrogating all obligations and understandings between them which are inconsistent with its terms, and undertake not to enter into any such obligations and understandings. A contracting State which has undertaken any other obligations inconsistent with this Agreement shall take immediate steps to procure its release from the obligations. If an airline of any contracting State has entered into any such inconsistent obligations, the State of which it is a national shall use its best efforts to secure their termination forthwith and shall in any event cause them to be terminated as soon as such action can lawfully be taken after the coming into force of this Agreement.

Section 2. Subject to the provisions of the preceding section, any contracting State may make arrangements concerning international air services not inconsistent with this Agreement. Any such arrangement shall be forthwith registered with the Council, which shall make it public as soon as possible.

ARTICLE 3

Each contracting State undertakes that in the establishment and operation of through services due consideration shall be given to the interests of the other contracting States so as not to interfere unduly with their regional services or to hamper the development of their through services.

ARTICLE 4

Section 1. Any contracting State may by reservation attached to this Agreement at the time of signature or acceptance elect not to grant and receive the rights and obligations of Article 1, Section 1, paragraph (5), and may at any time after acceptance, on six months' notice given by it to the Council, withdraw itself from such rights and obligations. Such contracting State may

on six months' notice to the Council assume or resume, as the case may be, such rights and obligations. No contracting State shall be obliged to grant any rights under the said paragraph to any contracting State not bound thereby.

Section 2. A contracting State which deems that action by another contracting State under this Agreement is causing injustice or hardship to it, may request the Council to examine the situation. The Council shall thereupon inquire into the matter, and shall call the States concerned into consultation. Should such consultation fail to resolve the difficulty, the Council may make appropriate findings and recommendations to the contracting States concerned. If thereafter a contracting State concerned shall in the opinion of the Council unreasonably fail to take suitable corrective action, the Council may recommend to the Assembly of the above-mentioned Organization that such contracting State be suspended from its rights and privileges under this Agreement until such action has been taken. The Assembly by a two-thirds vote may so suspend such contracting State for such period of time as it may deem proper or until the Council shall find that corrective action has been taken by such State.

Section 3. If any disagreement between two or more contracting States relating to the interpretation or application of this Agreement cannot be settled by negotiation, the provisions of Chapter XVIII of the above-mentioned Convention shall be applicable in the same manner as provided therein with reference to any disagreement relating to the interpretation or application of the above-mentioned Convention.

ARTICLE 5

This Agreement shall remain in force as long as the above-mentioned Convention; provided, however, that any contracting State, a party to the

present Agreement, may denounce it on one year's notice given by it to the Government of the United States of America, which shall at once inform all other contracting States of such notice and withdrawal.

ARTICLE 6

Pending the coming into force of the above-mentioned Convention, all references to it herein other than those contained in Article 4, Section 3, and Article 7 shall be deemed to be references to the Interim Agreement on International Civil Aviation drawn up at Chicago on December 7, 1944; and references to the International Civil Aviation Organization, the Assembly, and the Council shall be deemed to be references to the Provisional International Civil Aviation Organization, the Interim Assembly, and the Interim Council, respectively.

ARTICLE 7

For the purposes of this Agreement, "territory" shall be defined as in Article 2 of the above-mentioned Convention.

ARTICLE 8

Signatures and Acceptances of Agreement

The undersigned delegates to the International Civil Aviation Conference, convened in Chicago on November 1, 1944, have affixed their signatures to this Agreement with the understanding that the Government of the United States of America shall be informed at the earliest possible date by each of the governments on whose behalf the Agreement has been signed whether signature on its behalf shall constitute an acceptance of the Agreement by that

government and an obligation binding upon it.

Any State a member of the International Civil Aviation Organization may accept the present Agreement as an obligation binding upon it by notification of its acceptance to the Government of the United States, and such acceptance shall become effective upon the date of the receipt of such notification by that Government.

This Agreement shall come into force as between contracting States upon its acceptance by each of them. Thereafter it shall become binding as to each other State indicating its acceptance to the Government of the United States on the date of the receipt of the acceptance by that Government. The Government of the United States shall inform all signatory and accepting States of the date of all acceptances of the Agreement, and of the date on which it comes into force for each accepting State.

IN WITNESS WHEREOF, the undersigned, having been duly authorized, sign this Agreement on behalf of their respective governments on the dates appearing opposite their signatures.

Done at Chicago the seventh day of December 1944, in the English language. A text drawn up in the English, French, and Spanish languages, each of which shall be of equal authenticity, shall be opened for signature at Washington, D. C. Both texts shall be deposited in the archives of the Government of the United States of America, and certified copies shall be transmitted by that Government to the governments of all the States which may sign and accept this Agreement.

[Signed:] For **Afghanistan**: A. HOSAYN AZIZ; for **Bolivia**: TCNL. A. PACHECO; for **China**: CHANG KIA-NGAU; for **Costa Rica**: [March 10, 1945];

¹ Signatures affixed to the original document subsequent to the date of January 22, 1945, do not appear herein, but the dates of those signatures as given in *U.S. Executive Agreement Series*, No. 488, have been inserted in brackets.—ED.

for **Cuba**: [April 20, 1945]; for the **Dominican Republic**: C. A. McLAUGHLIN; for **Ecuador**: J. A. CORREA, FRANCISCO GOMEZ JURADO; for **El Salvador**: [May 9, 1945]; for **Ethiopia**: [March 22, 1945]; for **Guatemala**: [January 30, 1945]; for **Haiti**: EDOUARD ROY; for **Honduras**: E. P. LEFEBVRE; for **Iceland**: [April 4, 1945]; for **Lebanon**: (Ad referendum concerning the fifth freedom enumerated in Art. 1 Section 1.) C. CHAMOUN; for **Liberia**: WALTER F. WALKER; for **Mexico**: PEDRO A. CHAPA; for the **Netherlands**: M. STEENBERGHE, F. C. ARONSTEIN (In accordance with the provisions of art. 4 Section 1 of this agreement the Netherlands Delegation hereby accept only the first four privileges in art. 1 section 1.) [Reservation withdrawn Sept. 21, 1945.]; for **Nicaragua**: R. E. FRIZELL; for **Paraguay**: [July 27, 1945]; for **Peru**: A. REVOREDO, J. S. KOECHLIN, LUIS ALVARADO, F. ELGUERA, GILMO. VAN OORDT; for **Sweden**: R. KUMLIN; for **Syria**: [July 6, 1945]; for **Turkey**: S. KOÇAK, F. SAHINBAŞ, ORHAN H. EROL (In accordance with the provisions of Art. 4 section 1 of this agreement the Turkish delegation hereby accept only the first four privileges in Art. 1 sect. 1 and leave the acceptance of the fifth privilege to the discretion of their government.); for the **United States of America**: ADOLF A. BERLE, JR., ALFRED L. BULWINKLE, CHAS. A. WOLVERTON, F. LA GUARDIA, EDWARD WARNER, L. WELCH POGUE, WILLIAM A. M. BURDEN; for **Uruguay**: CARL CARBAJAL, COL. MEDARDO R. FARIAS; for **Venezuela**: (La Delegación de Venezuela firma *ad referendum* y deja constancia de que la aprobación de este documento por su Gobierno está sujeta a las disposiciones constitucionales de los Estados Unidos de Venezuela.) F. J. SUCRE, J. BLANCO USTÁRIZ; for **Denmark**: HENRIK KAUFFMANN; for **Thailand**: M. R. SENI PRAMOJ.

No. 643

INTERNATIONAL Sanitary Convention. Opened for signature at Washington, December 15, 1944.

CONVENTION sanitaire internationale. Ouverte à la signature à Washington, 15 décembre 1944.

EDITOR'S NOTE. This Convention was drafted by an Expert Commission on Quarantine established by the Subcommittee for Europe of the Standing Technical Committee on Health of the United Nations Relief and Rehabilitation Administration Council. After its approval, with certain changes, by the Committee on Health, the Convention was approved "in principle" by the Second Session of the UNRRA Council held at Montreal, September 15-26, 1944, its final text, together with an explanatory resolution, was adopted by the Committee on Health at Washington, December 9, 1944. A protocol to prolong the duration of the Convention beyond July 1, 1946, was opened for signature at Washington on April 23, 1946 (No. 643a, *post*). The World Health Organization, established under the Constitution of July 22, 1946 (14 *U.N. Treaty Series*, p. 185), took over UNRRA's functions under this Convention on December 1, 1946. International sanitary conferences have been held periodically since 1851; sanitary conventions were signed at Paris in 1852, at Venice in 1892, at Dresden in 1893, at Paris in 1894, and at Venice in 1897. They were superseded, successively, by the Paris conventions of December 3, 1903 (97 *Br. and For. St. Papers*, p. 1085), January 17, 1912 (4 *League of Nations Treaty Series*, p. 281), and June 21, 1926 (No. 164, *ante*). The last-mentioned convention was modified by the convention of October 31, 1938 (No. 537, *ante*), and, temporarily, by the present Convention. The Office Interna-

tional d'Hygiène Publique, established in Paris by the agreement signed at Paris, December 9, 1907 (100 *Br. and For. St. Papers*, p. 466), has been taken over by the World Health Organization under a protocol of July 22, 1946. 9 *U.N. Treaty Series*, p. 66. The International Sanitary Convention for Aerial Navigation, opened for signature at The Hague, April 12, 1933 (No. 326, *ante*), was amended in 1944 (No. 644, *post*). A Pan American Sanitary Convention was signed at Habana, November 14, 1924 (No. 131, *ante*).

RATIFICATIONS. On September 1, 1948, the Convention had been signed without any reservation with respect to ratification, or ratified, or acceded to, by Australia (with reservations), Belgium, Canada, China, Czechoslovakia, Denmark, Dominican Republic, Ecuador, France, Great Britain (including certain British territories), Greece, Haiti, Honduras, India, Italy, Luxemburg, Netherlands, New Zealand, Nicaragua, Poland, South Africa, Syria, Turkey, and the United States of America.

BIBLIOGRAPHY. This Convention is also published in 17 *U.N. Treaty Series*, p. 305; *British Treaty Series*, No. 58 (1946), Cmd. 6989, Canada, *Treaty Series*, 1944, No. 32; 1 UNRRA, *Epidemiological Information Bulletin* (1945), pp. 13-32, 51-68. For the declarations made by France and Egypt at the time of signature, see *idem*, pp. 85-100. For the 1944 text of the 1926 convention, see *idem*, pp. 125-56, 247-88. See also UNRRA, *Report of the Director General to the Council for the Period 1 April 1945 to 30 June 1945*, pp. 31-32.

Anon, "UNRRA and International Health," UNRRA, *Monthly Review* (1945), No. 9, pp. 8-11; N. M. Goodman, "Memorandum on the Chief Changes Made by International Sanitary Conventions, 1944," 1 UNRRA, *Epidemiological Information Bulletin* (1945), pp. 219-27, G. H. de Paula Souza, "History of the International Sanitary Conventions," *idem*, pp. 5-12.

Entered into force January 15, 1945.¹

Text from *U.S. Treaty Series*, No. 991.

The Governments signatory hereto,

Considering that the International Office of Public Health created by the Agreement signed at Rome on December 9, 1907, is unable for the time being to carry out effectively all of the duties and functions assigned to it in the Annex to that Agreement; in the International Sanitary Convention, 1926; in the International Sanitary Convention for Aerial Navigation, 1933; and in other Conventions or Agreements relating to the public health;

Having entrusted the task of solving this temporary problem by the preparation of emergency agreements and arrangements for the notification of epidemic diseases and for uniformity in quarantine regulations to the United Nations Relief and Rehabilitation Administration

Les Gouvernements signataires,

Considérant que l'Office international d'Hygiène publique, créé par l'Accord signé à Rome le 9 décembre 1907, ne peut, pour le moment, remplir effectivement toutes les tâches et fonctions qui lui ont été assignées par l'Annexe de cet Accord, par la Convention sanitaire internationale de 1926, par la Convention sanitaire internationale pour la Navigation aérienne de 1933 et par d'autres Conventions ou Accords ayant rapport à l'hygiène publique;

Ayant, conformément à la résolution No. 8 (2) adoptée lors de sa première session par le Conseil de l'Administration des Nations Unies de Secours et de Restauration (dénommée ci-après *UNRRA*), confié à l'UNRRA la tâche de résoudre ce problème temporaire en élabo-

¹ Filed with the Secretariat of the United Nations, No. 110, July 26, 1948.

(hereinafter referred to as *UNRRA*), in accordance with Resolution No. 8 (2) adopted by the Council of UNRRA at its First Session, without prejudice however to the status of the International Office of Public Health which it is hoped will be able at the expiry of the present Convention to resume the above-mentioned duties and functions; and having received the recommendations of UNRRA in this connection;

Having agreed that, in regard to the American Republics, the Pan American Sanitary Bureau shall continue to act as the general coordinating sanitary agency, including the general collection and distribution of sanitary information to and from the said Republics, as specified in the Pan American Sanitary Code and recognized heretofore by the International Office of Public Health;

Desiring also to modify as between themselves the provisions of the International Sanitary Convention signed in Paris on June 21, 1926, as modified by the Sanitary Convention signed in Paris in 1938, insofar as the provisions of the Convention of 1938 may be in force between the respective Governments (hereinafter referred to as *the 1926 Convention*), in the light of the present-day conditions which call for special measures to prevent the spread by land and sea across frontiers of epidemic or other communicable diseases;

Have decided to conclude a Convention for these purposes, have agreed that, whereas the authentic text of the 1926 Convention is in the French language, the present Convention shall be in English and in French, both texts being equally authentic, and have accordingly appointed the undersigned plenipo-

rant, à titre de mesures d'urgence, des accords et arrangements pour la notification des maladies épidémiques ainsi que pour l'uniformisation des mesures de quarantaine, sans porter atteinte au statut de l'Office international d'Hygiène publique qui, il est permis de l'espérer, pourra, à l'expiration de la présente Convention, reprendre les tâches et fonctions mentionnées ci-dessus; et ayant reçu les recommandations de l'UNRRA à ce sujet;

Ayant convenu que, à l'égard des Républiques américaines, le Bureau sanitaire panaméricain jouera, comme par le passé, le rôle d'organe général de coordination en matière sanitaire, notamment pour la réunion et la distribution générales d'informations sanitaires qui proviennent desdites Républiques ou leur sont destinées, ainsi qu'il est spécifié dans le Code sanitaire panaméricain et comme cela a été accepté jusqu'ici par l'Office international d'Hygiène publique;

Désirant aussi modifier, en ce qui les concerne, les dispositions de la Convention sanitaire internationale signée à Paris le 21 juin 1926 — telle qu'elle a été modifiée par la Convention sanitaire signée à Paris en 1938 et pour autant que les dispositions de la Convention de 1938 restent en vigueur entre les Gouvernements intéressés (dénommée ci-après *la Convention de 1926*) — pour tenir compte des conditions actuelles qui nécessitent des mesures spéciales pour empêcher la propagation des maladies épidémiques ou autres maladies contagieuses, par terre ou par mer à travers les frontières;

Ont décidé de conclure une Convention à cette fin, sont convenus que, alors que le texte authentique de la Convention de 1926 est rédigé en langue française, la présente Convention sera rédigée en anglais et en français, les deux textes faisant également foi, et ont en conséquence désigné les plénipotentiaires sous-

tentiaries who, having communicated their full powers, found in good and due form, have agreed that the 1926 Convention shall be amended as follows:

ARTICLE 1

All references in the 1926 Convention to the International Office of Public Health shall be read as references to UNRRA.

ARTICLE 2

The second paragraph of Preliminary Provisions (2) shall be deleted and the following substituted:

The word *surveillance* means that persons are not isolated, that they may move about freely, but that the sanitary authorities of the place or places to which they are proceeding are notified of their coming. They may be subjected in the places of arrival to a medical examination and such inquiries as are necessary with a view to ascertaining their state of health; and, in any territory where the competent Contracting Party thinks fit, surveillance may include requirement to report on arrival and afterwards at such intervals during continuance of surveillance as may be specified, to the Health Officer of the city, town, district, or place to which they proceed.

ARTICLE 3

The following definitions shall be added to the *Preliminary Provisions*:

(5) The term *typhus, typhus fever, or exanthematous typhus* in the 1926 Convention and in the present Convention shall be deemed to relate only to epidemic louse-borne typhus.

(6) The term *Stegomyia, Stegomyia (Aedes aegypti)*, or *Stegomyia*

signés qui, s'étant communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus que la Convention sanitaire internationale de 1926 sera modifiée ainsi qu'il suit:

ARTICLE 1

Toute référence à l'Office international d'Hygiène publique contenue dans la Convention de 1926 sera considérée comme une référence à l'UNRRA.

ARTICLE 2

Au deuxième paragraphe des dispositions préliminaires (2) substituer ce qui suit:

Le mot *surveillance* signifie que les personnes ne sont pas isolées, qu'elles obtiennent tout de suite la libre pratique, mais que l'autorité sanitaire de la localité ou des localités où elles se rendent est prévenue de leur arrivée. Elles pourront être soumises au lieu d'arrivée à un examen médical, et l'on pourra leur poser les questions nécessaires à la constatation de leur état de santé. Dans tout territoire où la Partie Contractante compétente le juge nécessaire, la surveillance peut comprendre l'obligation de se présenter, lors de l'arrivée, et ensuite à intervalles fixes pendant la durée de la surveillance, devant l'Officier de santé de la ville, de la région ou de l'endroit où les intéressés se rendent.

ARTICLE 3

Les définitions suivantes sont ajoutées aux *Dispositions préliminaires*:

(5) Les termes *typhus, typhus fébrile* et *typhus exanthématique*, dans la Convention de 1926 et dans la présente Convention, seront considérés comme ne se rapportant qu'au typhus épidémique transmis par les poux.

(6) Les termes *Stegomyia, Stegomyia (Aedes aegypti)* et *Stegomyia*

calopus (*Aedes aegypti*) shall be deemed to include *Aedes aegypti* and any potential mosquito vectors of yellow fever.

ARTICLE 4

To Article 1 the following shall be added:

Every Contracting Party shall, in addition to the diseases specifically mentioned in this Article, to wit, plague, cholera, yellow fever, typhus, and smallpox, notify to UNRRA outbreaks of such other communicable diseases as, in the opinion of that Party or in the opinion of UNRRA, constitute a menace to other countries by their spread or potential spread across frontiers, and shall keep UNRRA regularly informed of the course of the disease and the measures taken to prevent its spread. The provisions of the 1926 Convention as amended or supplemented by the present Convention shall, unless clearly inapplicable, apply to the above-mentioned other communicable diseases.

ARTICLE 5

In Article 3 the word "Paris" in the second paragraph shall be deleted and the words "London or Washington" shall be substituted.

To Article 3 the following shall be added:

In order to facilitate the prompt and scrupulous fulfilment of the foregoing provisions, the Contracting Parties shall ensure priority for all communications which may enable UNRRA rapidly to appraise the situation concerning the outbreak of a disease and to inform governments in order that they may take appropriate measures against the spread of the disease across their frontiers.

calopus (*Aedes aegypti*) seront considérés comme comprenant *Aedes aegypti* et tous autres moustiques susceptibles d'être des vecteurs de fièvre jaune.

ARTICLE 4

A l'Article 1, ajouter ce qui suit:

Chaque Partie Contractante doit, en plus des maladies visées spécifiquement dans le présent Article, savoir: la peste, le choléra, la fièvre jaune, le typhus et la variole, aviser l'UNRRA de l'apparition de toutes autres maladies contagieuses qui, de l'avis de cette Partie ou de l'avis de l'UNRRA, constitue une menace pour d'autres pays, par leur propagation ou la possibilité de leur propagation à travers les frontières. Elle doit tenir l'UNRRA au courant du développement de la maladie et des mesures prises pour en empêcher l'extension. Les dispositions de la Convention de 1926, telles qu'elles ont été modifiées ou complétées par la présente Convention, s'appliquent aux susdites autres maladies contagieuses, à moins qu'elles ne soient nettement inapplicables.

ARTICLE 5

Dans l'Article 3, paragraphe 2, le mot "Paris" est supprimé et les mots "Londres ou Washington" y sont substitués.

A l'Article 3 ajouter ce qui suit:

Afin de faciliter le prompt et scrupuleux accomplissement des dispositions précédentes, les Parties Contractantes accorderont priorité à toutes communications susceptibles de permettre à l'UNRRA de juger rapidement la situation résultant de l'apparition d'une de ces maladies et d'informer les gouvernements afin qu'ils puissent prendre les mesures nécessaires pour combattre la propagation de la maladie à travers leurs frontières.

ARTICLE 6

After Article 5 the following shall be inserted:

Article 5A. In addition to carrying out the system of notification and intelligence prescribed in Part I, Chapter I of the 1926 Convention, which remains in full force, the Parties to the present Convention shall transmit promptly to UNRRA the notifications and other information prescribed in Part I of the 1926 Convention.

Article 5B (1). In addition to the formal notification required above, the Contracting Parties shall, so far as possible, send to the Health Organization of UNRRA at regular intervals notifications of communicable diseases notified in their countries.

(2). The Contracting Parties shall make the necessary arrangements with UNRRA for giving prompt information to all the governments concerned of the outbreak in their respective countries of a disease which, in the opinion of UNRRA, constitutes a menace to other countries and of the measures which are being taken to prevent the spread of the disease across frontiers.

ARTICLE 7

To Article 13 the following shall be added:

In a country where there exists a communicable disease, the subject of a formal notification under any international sanitary or quarantine convention for the time being in force, the Sanitary Authority in that country may prohibit the embarkation on board a ship on international voyage of persons suffering from the disease, and of persons in such relations to the sick as to render them liable to transmit the disease, unless the Medical Officer of the port of embarkation is satisfied that

ARTICLE 6

Après l'Article 5, insérer ce qui suit:

Article 5A. En outre, tout en appliquant le système de notification et d'information prescrit dans la Partie I, Chapitre I, de la Convention de 1926, qui reste pleinement en vigueur, les Parties à la présente Convention devront transmettre sans délai à l'UNRRA les notifications et autres renseignements prévus dans la Partie I de la Convention de 1926.

Article 5B (1). Outre la notification formelle exigée ci-dessus, les Parties Contractantes devront, autant que possible, adresser périodiquement à l'Organisation d'Hygiène de l'UNRRA des notifications concernant les maladies contagieuses qui ont fait l'objet de déclarations dans leurs pays.

(2). Les Parties Contractantes devront faire avec l'UNRRA les arrangements nécessaires pour tenir tous les gouvernements intéressés rapidement informés de l'apparition dans leur pays respectif d'une maladie qui, de l'avis de l'UNRRA, constitue un danger pour d'autres pays, ainsi que des mesures en cours d'exécution pour en empêcher l'extension à travers les frontières.

ARTICLE 7

A l'Article 13, ajouter ce qui suit:

Dans tout pays où l'on a constaté l'existence d'une maladie contagieuse dont la notification est obligatoire en vertu d'une convention sanitaire internationale ou d'une convention internationale de quarantaine actuellement en vigueur, l'autorité sanitaire de ce pays peut interdire l'embarquement à bord d'un navire, pour un voyage international, de personnes atteintes de cette maladie, ainsi que de personnes qui ont eu avec des malades des relations les rendant susceptibles

measures can be taken on board the ship to prevent the spread of the disease to the other persons on board. The Medical Officer of the port of embarkation, or other authorized officer of the sanitary authority, if he has reason to suspect any clothing, bedding, or other article of personal use which belongs to or is intended for use by persons embarking to be infected, may examine and require the disinfection of any such clothing, bedding, or other article of personal use before it is taken on board.

The measures enumerated in this Article shall be taken as far in advance of the sailing date of the ship as possible in order not unduly to delay the ship's departure.

Nothing in this Article shall affect the power of the Master of the ship to refuse to embark sick persons.

ARTICLE 8

In Article 15 the following shall be inserted between the third and fourth paragraphs:

If on the call or arrival of any ship at a port there is on board a case of infectious disease duly verified by the port medical officer, not being a case of plague, cholera, yellow fever, typhus, or smallpox, the usual measures in force in the country in which the port is situated shall be applied subject always to the provisions of Article 54 of the 1926 Convention.

In carrying out measures for control of the spread of communicable disease across frontiers, particularly in regard to the movement of displaced populations conveyed by international maritime transport, the Contracting Parties will not delay any ship at any point of her voyage longer than is necessary for

de transmettre la maladie, à moins que l'Officier de santé du port d'embarquement ne se soit assuré que des mesures peuvent être prises à bord pour empêcher la propagation de la maladie aux autres personnes embarquées. L'Officier de santé du port d'embarquement, ou tout autre agent habilité par l'autorité sanitaire, s'il a des motifs de soupçonner que les vêtements, literie ou autres effets personnels appartenant aux passagers ou destinés à leur usage sont infectés, pourra les examiner et exiger que les dits vêtements, literie ou autres effets personnels soient désinfectés avant d'être mis à bord.

Les mesures énumérées au présent Article devront être prises aussi longtemps que possible avant la date du départ du navire, afin de ne pas le retarder indûment.

Rien dans le présent Article ne porte atteinte au pouvoir que possède le Capitaine du navire de refuser l'embarquement à des malades.

ARTICLE 8

Dans l'Article 15, entre les 3ème et 4ème paragraphes, insérer ce qui suit:

Lorsqu'à une escale ou à l'arrivée d'un navire dans un port, il existe à bord un cas de maladie infectieuse dûment constaté par l'Officier de santé dudit port, autre qu'un cas de peste, de choléra, de fièvre jaune, de typhus ou de varicelle, on appliquera les mesures habituelles en vigueur dans le pays où se trouve ledit port, sous réserve des dispositions de l'Article 54 de la Convention de 1926.

En appliquant les mesures destinées à éviter la propagation des maladies contagieuses à travers les frontières, et particulièrement en ce qui concerne le mouvement des "populations déplacées" par transport maritime international, les Parties Contractantes ne devront en aucun point du voyage retarder

the medical examination of crew and passengers, for the disembarkation (if such is considered necessary) of persons suffering from communicable disease, and of their bedding and personal effects, and for the disinfection of the accommodation they occupied. The ship shall not be employed as a means of isolation of the sick, or of their contacts, unless such isolation can be effected without delaying or unduly interfering with her movements.

ARTICLE 9

The footnote to Article 25 shall be deleted and the following substituted:

IN ALL CASES where this Convention provides for surveillance, surveillance may not be replaced by observation except

(a) in circumstances in which it would not be practicable to carry out surveillance with sufficient thoroughness; or

(b) if the risk of the introduction of infection into the country is considered to be exceptionally serious; or

(c) if the person who would be subject to surveillance cannot furnish adequate sanitary guarantees.

Persons under observation or surveillance shall submit themselves to any examination which the competent sanitary authority may consider necessary.

ARTICLE 10

In Articles 35 (a), 36 (4), and 47 the words "200 meters" shall be deleted and the words "400 meters" shall be substituted.

ARTICLE 11

To Article 40 the following shall be added:

With a view to the elimination of *Stegomyia (Aedes aegypti)* as an important step in the control of the spread of yellow fever, the Con-

le navire au delà du temps requis pour l'examen médical de l'équipage et des passagers, pour le débarquement (si celui-ci est jugé nécessaire) de personnes atteintes de maladies contagieuses, de leur literie et de leurs effets personnels, et pour la désinfection des locaux qu'elles occupaient. Le navire ne servira pas à l'isolement des malades ou des personnes qui ont été en contact avec eux, à moins qu'un tel isolement ne puisse être effectué sans retarder le navire ou gêner indûment ses mouvements.

ARTICLE 9

La note à l'Article 25 sera remplacée par ce qui suit:

DANS TOUS LES CAS où la présente Convention prescrit une surveillance, celle-ci ne pourra être remplacée par l'observation, excepté

(a) dans les circonstances où la surveillance ne pourrait être exercée avec le soin nécessaire;

(b) si le risque d'introduire une maladie infectieuse dans le pays est considéré comme exceptionnellement sérieux;

(c) si la personne qui doit faire l'objet de la surveillance ne peut fournir les garanties sanitaires suffisantes.

Les personnes en observation ou sous surveillance se soumettront à tout examen que l'autorité sanitaire compétente pourrait juger nécessaire.

ARTICLE 10

Dans les Articles 35(a), 36(4) et 47, aux mots "200 mètres" substituer les mots "400 mètres".

ARTICLE 11

A l'Article 40, ajouter ce qui suit:

En vue de l'élimination du *Stegomyia (Aedes aegypti)*, étape importante dans la lutte contre la fièvre jaune, les Parties Contrac-

tracting Parties shall, in the light of their knowledge and experience of the control of the yellow fever vector, render and maintain free from *Stegomyia (Aedes aegypti)* (a) ports and their surroundings in endemic areas, and (b) ports not situated in endemic areas but exposed to the risk of the introduction of the disease. They shall also use their best endeavors to secure that personnel employed in the handling of ships in ports in endemic areas and in ports specially exposed to risk shall be inoculated against yellow fever.

The Contracting Parties agree that all persons inoculated in compliance with the provisions of the preceding paragraph of this Article shall be furnished with and carry an inoculation certificate signed by the officer carrying out the inoculation. This certificate shall conform to the International Form of Certificate of Inoculation against yellow fever annexed hereto.

Persons in possession of a valid anti-yellow fever inoculation certificate shall not for the purpose of the control of yellow fever be subjected to quarantine restrictions.

In place of a valid anti-yellow fever inoculation certificate, a certificate that the bearer has recovered from an attack of yellow fever and that his blood contains immune bodies against yellow fever, as proved by a test carried out by an institute regularly carrying out biological tests for yellow fever and approved for this purpose by the government of the country concerned, will be accepted.

ARTICLE 12

In Article 41 (4) and (5), before the word "disinfected" the words "disinfected and" shall be inserted.

tantes devront s'efforcer, à la lumière de leurs connaissances et de leur expérience en matière de lutte contre le vecteur de la fièvre jaune, de rendre et maintenir libres de *Stegomyia (Aedes aegypti)* (a) les ports et leurs environs situés dans les zones d'endémicité; (b) les ports situés hors des zones d'endémicité mais dans lesquels la maladie risque d'être introduite. Les Parties Contractantes devront s'efforcer également de faire vacciner contre la fièvre jaune le personnel de manoeuvre et de manutention employé dans les ports des zones d'endémicité et dans les ports particulièrement exposés au risque de contagion.

Les Parties Contractantes conviennent que toutes personnes vaccinées en exécution des dispositions du paragraphe précédent du présent Article seront munies d'un certificat de vaccination signé par l'agent ayant effectué la vaccination et devront en être porteurs. Ce certificat doit être conforme à la formule internationale de certificat de vaccination contre la fièvre jaune annexée ci-après.

Les personnes en possession d'un certificat valable de vaccination contre la fièvre jaune ne seront pas soumises aux restrictions de quarantaine instituées pour combattre la fièvre jaune.

A défaut d'un certificat valable de vaccination contre la fièvre jaune, on acceptera un certificat attestant que le porteur est remis d'un accès de fièvre jaune et que son sang contient des anti-corps contre la fièvre jaune, la preuve en ayant été faite par l'emploi d'un test appliqué par un institut exécutant habituellement des tests biologiques de fièvre jaune et agréé à cet effet par le gouvernement du pays intéressé.

ARTICLE 12

A l'Article 41 (4) et (5) on fera précéder le mot "désinsectiser" des mots "désinfecter et".

To Article 41 the following shall be added:

The Contracting Parties will use their best endeavors to secure that ships trading with areas infected with typhus shall carry a sufficient quantity of an effective insecticide for the personal protection of the crew and passengers, and will give favorable consideration to the inoculation against typhus of all persons on board exposed to risk.

ARTICLE 13

Article 42 (3) shall be deleted and the following substituted:

(3) Other persons reasonably suspected to have been exposed to infection on board, and who, in the opinion of the sanitary authority, are not sufficiently protected by recent vaccination, or by a previous attack of smallpox, may be subjected to vaccination or to observation or to surveillance, or to vaccination followed by observation or surveillance, the period of observation or surveillance being specified according to the circumstances, but in any event not exceeding 14 days, reckoned from the date of arrival of the ship.

In Article 42 the following shall be inserted as the penultimate paragraph:

For the purpose of this Article "recent vaccination" shall be taken as meaning evidence of successful vaccination not more than 3 years or less than 14 days previously, or evidence of an immune reaction.

To Article 42 shall be added "Vaccination of such persons may be performed".

A l'Article 41, ajouter ce qui suit:

Les Parties Contractantes s'efforceront d'obtenir que les navires faisant escale dans les régions contaminées par le typhus soient munis d'une quantité suffisante d'un insecticide efficace pour la protection personnelle de l'équipage et des passagers; elles examineront favorablement la possibilité de faire vacciner contre le typhus toutes les personnes se trouvant à bord qui seraient exposées au danger de contamination.

ARTICLE 13

A l'Article 42 (3) substituer ce qui suit:

(3) Toute personne que l'on suspecte, à juste raison, d'avoir été exposée à l'infection à bord et qui, de l'avis de l'autorité sanitaire, n'est pas suffisamment protégée par une vaccination récente ou par une attaque antérieure de variole, peut être soumise soit à la vaccination, ou à l'observation, ou à la surveillance, soit à la vaccination, suivie d'observation ou de surveillance, la durée de l'observation ou de la surveillance étant fixée suivant les circonstances, mais ne devant en aucun cas dépasser quatorze jours à dater de l'arrivée du navire.

A l'Article 42, ajouter comme avant-dernier paragraphe:

Pour l'application du présent Article, l'expression "vaccination récente" sera considérée comme signifiant que preuve a été fournie d'une vaccination faite avec succès au moins quatorze jours et pas plus de trois ans auparavant; ou que preuve a été fournie que le porteur présente une réaction d'immunité.

A l'Article 42 ajouter ce qui suit: On pourra procéder à la vaccination de ces personnes.

ARTICLE 14

In Article 43 after the word "crew" in the first paragraph shall be added the words "and passengers".

ARTICLE 15

Article 49 shall be deleted and the following substituted:

The Contracting Parties agree that bills of health and consular visas shall be abolished as soon as the conditions of hostilities permit the establishment of effective epidemiological communications. The Master of every foreign-going vessel approaching the first port in a territory shall ascertain the state of health of all persons on board and shall prepare and sign a Declaration of Health which shall be countersigned by the ship's surgeon, if one is carried, to be handed to the appropriate authority.

ARTICLE 16

To Article 57 the following shall be added:

The Contracting Parties will, so far as possible, adopt the International Form of Declaration of Health and the International Forms of Certificates of Inoculation or Vaccination against cholera, typhus, and smallpox, respectively, annexed hereto.*

For the purposes of the present Convention the period of incubation is reckoned as 6 days in the case of plague, 5 days in the case of cholera, 6 days in the case of yellow fever, 12 days in the case of typhus, and 14 days in the case of smallpox.

ARTICLE 17

Article 58 shall be deleted and the following substituted:

Observation may, if considered necessary, be enforced at land fron-

ARTICLE 14

A l'Article 43, paragraphe 1, après le mot "équipage" ajouter les mots "et des passagers".

ARTICLE 15

A l'Article 49 substituer ce qui suit:

Les Parties Contractantes sont d'accord pour abolir les patentes de santé et les visas consulaires aussitôt que le cours des hostilités permettra d'établir des communications épidémiologiques effectives. Le Capitaine de tout navire employé à la navigation internationale devra, à l'approche du premier port d'un territoire, vérifier l'état de santé de toutes les personnes à bord et devra préparer et signer une "déclaration de santé" qui sera contresignée par le médecin du bord (s'il y en a un); cette déclaration sera remise à l'autorité appropriée.

ARTICLE 16

A l'Article 57 ajouter ce qui suit:

Les Parties Contractantes adopteront, autant que possible, le modèle international de déclaration de santé ainsi que chacun des modèles internationaux de certificats de vaccination contre le choléra, le typhus et la variole figurant dans les Annexes ci-jointes.*

Aux fins de la présente Convention, la période d'incubation est estimée à six jours pour la peste, à cinq jours pour le choléra, à six jours pour la fièvre jaune, à douze jours pour le typhus et à quatorze jours pour la variole.

ARTICLE 17

A l'Article 58 substituer ce qui suit:

L'observation peut, si elle est jugée nécessaire, être mise en vigueur

* With regard to yellow fever see Article 11.

* Pour ce qui est de la fièvre jaune, voir l'Article 11.

tiers. Persons may be directed to the places which have been designated for frontier traffic, and sanitary stations, equipped in accordance with the terms of Article 22 of the 1926 Convention, shall be set up at such places. These places and the measures taken shall be notified immediately to the countries concerned and to UNRRA. Individuals who have been in contact with a person suffering from a disease referred to in Article 1 of the 1926 Convention, and their bedding and effects, may be subjected to the appropriate sanitary measures. In the case of persons suffering from a communicable disease not referred to in Article 1, the measures in force in the country of arrival shall be applied.

ARTICLE 18

Article 63 shall be deleted and the following substituted:

Railway carriages for mails or luggage and goods trains may not be detained at the frontier longer than is necessary to apply the necessary sanitary measures for the prevention of the entry of communicable diseases into the country concerned.

ARTICLE 19

To Article 65 the following shall be added:

In framing regulations under this Article, the Contracting Parties will consult UNRRA and will inform UNRRA of the regulations and of the date of their entry into force.

ARTICLE 20

To Article 66 the following shall be added:

In the application of Articles 58 to 66 inclusive of the 1926 Convention, as amended by the present Convention, to any persons coming within the category of "displaced

aux frontières terrestres. Les intéressés pourront être dirigés sur les localités désignées pour le trafic frontalier, et des stations sanitaires équipées conformément aux termes de l'Article 22 de la Convention de 1926 seront établies en ces localités. La liste de ces localités et stations, de même que les mesures prises, seront notifiées immédiatement aux pays intéressés et à l'UNRRA. Les individus qui ont été en contact avec une personne souffrant d'une des maladies mentionnées à l'Article 1 de la Convention de 1926, ainsi que leur literie et leurs effets, pourront être soumis aux mesures sanitaires appropriées. Dans le cas de personnes souffrant d'une maladie contagieuse non mentionnée à l'Article 1, les mesures en vigueur dans le pays d'arrivée seront appliquées.

ARTICLE 18

A l'Article 63 substituer ce qui suit:

Les wagons-poste, les wagons de bagages et les trains de marchandises ne seront pas retenus à la frontière plus longtemps que ne l'exige l'application des mesures sanitaires nécessaires pour empêcher l'introduction de maladies contagieuses dans le pays intéressé.

ARTICLE 19

A l'Article 65 ajouter ce qui suit:

En élaborant des règlements en vertu du présent Article, les Parties Contractantes consulteront l'UNRRA et lui feront part desdits règlements et de leur date d'entrée en vigueur.

ARTICLE 20

A l'Article 66 ajouter ce qui suit:

Pour l'application des Articles 58 à 66 inclusivement de la Convention de 1926, telle qu'elle a été modifiée par la présente Convention, à toute personne se trou-

persons", the Contracting Parties shall be entitled to make such modifications as may be required by any special international arrangements under schemes to be organized by governments and by UNRRA for dealing with such persons.

And the Contracting Parties have further agreed as follows:

ARTICLE 21

The present Convention shall come into force as soon as it has been signed or acceded to on behalf of ten or more governments.

ARTICLE 22

The present Convention shall supplement and be read as one with the 1926 Convention, which as hereby amended remains in full force between the Contracting Parties, and whenever any provision of the 1926 Convention contains a reference to another provision, the reference shall be deemed to be a reference to that provision as modified by any amendments effected thereto by the present Convention.

ARTICLE 23

After January 15, 1945 the present Convention shall be open to accession by any government not a signatory. Accessions shall be notified in writing to the Government of the United States of America.

Accessions notified after the entry into force of the present Convention shall become effective with respect to each government upon the notification of its accession.

vant dans la catégorie des "personnes éloignées de leur résidence habituelle", les Parties Contractantes auront le droit d'effectuer telles modifications qui pourraient être requises par un arrangement international spécial faisant partie d'un plan organisé par les gouvernements et par l'UNRRA à l'égard de ces personnes.

En outre, les Parties Contractantes sont convenues de ce qui suit:

ARTICLE 21

La présente Convention entrera en vigueur aussitôt qu'elle aura été acceptée, par voie de signature ou d'adhésion, par dix gouvernements au moins.

ARTICLE 22

La présente Convention complètera la Convention de 1926 et sera considérée comme formant un tout avec elle. Ladite Convention, telle qu'elle est modifiée par la présente Convention, demeure pleinement en vigueur entre les Parties Contractantes. Lorsqu'une disposition de la Convention de 1926 contient une référence à une autre disposition, cette référence sera considérée comme étant une référence à la disposition en question, telle qu'elle résulte de toutes modifications qui y sont apportées par la présente Convention.

ARTICLE 23

A partir du 15 janvier 1945, la présente Convention sera ouverte à l'adhésion de tout gouvernement qui n'en est pas signataire. Les adhésions seront notifiées par écrit au Gouvernement des Etats-Unis d'Amérique.

Les adhésions notifiées après l'entrée en vigueur de la présente Convention deviendront effectives à l'égard de chaque gouvernement lors de la notification de son adhésion.

ARTICLE 24

Any Contracting Party may on signature or accession declare that the present Convention does not apply to all or any of its colonies, overseas territories, territories under its protection, suzerainty, or authority, or territories in respect of which it exercises a mandate. The present Convention may at any time thereafter be applied to any such territory by notification in writing to the Government of the United States of America, and the Convention shall apply to the territory concerned from the date of the receipt of the notification by the Government of the United States of America.

ARTICLE 25

The Government of the United States of America shall give notice in writing to governments parties to the 1926 Convention and to governments parties to the present Convention, of all signatures and accessions to the present Convention and of all notifications regarding the territories to which the present Convention is to be applied.

ARTICLE 26

The present Convention shall remain in force as to each Contracting Party until either

- (1) such Party shall become bound by a further convention amending or superseding the 1926 Convention, or
 - (2) the expiration of eighteen months from the date on which the present Convention enters into force,
- whichever shall be the earlier.

ARTICLE 27

The original of the present Convention shall be deposited in the archives of the Government of the United States of America and shall be opened for signature at Washing-

ARTICLE 24

Toute Partie Contractante peut, en signant la Convention ou en y adhérant, déclarer qu'elle ne s'applique pas à tout ou partie de ses colonies, territoires d'outre-mer, territoires placés sous sa protection, suzeraineté ou autorité, ou territoires pour lesquels elle exerce un mandat. La présente Convention pourra à tout moment ultérieur être rendue applicable à l'un quelconque de ces territoires par une notification écrite adressée au Gouvernement des Etats-Unis d'Amérique; la Convention s'appliquera à ce territoire à partir de la réception de la notification par le Gouvernement des Etats-Unis d'Amérique.

ARTICLE 25

Le Gouvernement des Etats-Unis d'Amérique informera par écrit les gouvernements parties à la Convention de 1926, ainsi que les gouvernements parties à la présente Convention, de toutes signatures et adhésions à la présente Convention, ainsi que de toutes notifications concernant les territoires auxquels la présente Convention est rendue applicable.

ARTICLE 26

La présente Convention demeurera en vigueur pour chaque Partie Contractante jusqu'à ce que

- (1) cette Partie se trouve liée par une convention ultérieure modifiant ou remplaçant la Convention de 1926, ou que
 - (2) une période de 18 mois se soit écoulée à dater du jour où la présente Convention entrera en vigueur,
- selon que l'une ou l'autre circonstance se produira la première.

ARTICLE 27

Le texte original de la présente Convention sera déposé aux archives du Gouvernement des Etats-Unis d'Amérique et sera ouvert à la signature, le 15 décembre 1944,

ton on December 15, 1944, where it shall remain open for signature until January 15, 1945. Certified copies hereof shall be furnished by the Government of the United States of America to each of the governments on behalf of which this Convention is signed or acceded to and to each of the governments parties to the 1926 Convention.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, having deposited their full powers, found to be in due and proper form, sign the present Convention in the English and French languages, both texts being equally authentic, on behalf of their respective governments, on the dates appearing opposite their signatures.

à Washington, où il demeurera ouvert à la signature jusqu'au 15 janvier 1945. Des copies certifiées conformes en seront fournies par le Gouvernement des Etats-Unis d'Amérique à chacun des gouvernements par lesquels cette Convention aura été acceptée, par voie de signature ou d'adhésion, ainsi qu'à chacun des gouvernements parties à la Convention de 1926.

EN FOI DE QUOI, les plénipotentiaires soussignés ayant déposé leurs pleins pouvoirs trouvés en bonne et due forme, ont signé les textes anglais et français de la présente Convention, les deux versions faisant également foi, au nom de leurs gouvernements respectifs, aux dates figurant en regard de leurs signatures.

[Signed:] For the **French Republic**: ANDRÉ MAYER, January 5, 1945; for **Poland**: JAN CIECHANOWSKI, January 5, 1945; for the **United Kingdom of Great Britain and Northern Ireland**: (At the time of signing the present Convention I declare that my signature does not cover any of the territories referred to in Article Twenty-Four of the International Sanitary Convention, 1944.) HALIFAX, January 5, 1945; for the **United States of America**: (Subject to ratification.) E. R. STETTINIUS, Jr., January 5, 1945; for **China**: J. HENG LIU, January 11, 1945; for the **Union of South Africa**: S. F. N. GIE, January 13, 1945; for **Egypt**: (With the following reservations: 1. That this signature does not affect in any way the relations of the Egyptian Government with the International Office of Public Health, Paris, or its obligations toward the Regional Office at Alexandria; 2. That this convention is subject to ratification by the Egyptian Parliament.) M. HASSAN, January 15, 1945; for **Czechoslovakia**: (Subject to ratification.) V. S. HURBAN, January 15, 1945; for **Canada**: (Subject to ratification.) L. B. PEARSON, January 15, 1945; for **Cuba**: (Esta Convención, previa la aprobación del Senado de la República, será ratificada por el Ejecutivo.) G. M. BELT, January 15, 1945; for the **Dominican Republic**: (Con la reserva de que la República Dominicana no podrá ratificar esta Convención sin adherirse, al mismo tiempo, a las Convenciones de París y de La Haya, y que por virtud de disposiciones constitucionales de la República, estos procesos estarán subordinados a la previa sanción del Congreso Nacional.) EMILIO G. GODOY, January 15, 1945; for **Nicaragua**: GUILLERMO SEVILLA SACASA, January 15, 1945; for **Peru**: (With the following reservations: 1. That this Convention is signed *ad referendum*; 2. That if the execution of the said Convention would not conform with the regulations contained in the Pan American Sanitary Code of Havana, Perú will give preference to the latter.) P. G. BELTRÁN, January 15, 1945; for **Luxembourg**: HUGUES LE GALLAIS, January 15, 1945; for **Ecuador**: S. E. DURAN BALLEEN, January 15, 1945; for **Greece**: C. P. DIAMANTOPOULOS, January 15, 1945; for **Honduras**: JULIÁN R. CÁCERES, January 15, 1945; for **Haiti**: J. THÉBAUD, January 15, 1945.

[Forms omitted.]

No. 643a

Protocol to Prolong the Duration of the International Sanitary Convention of 1944. Opened for signature at Washington, April 23, 1946.

Protocole prorogeant la durée de la Convention sanitaire de 1944. Ouvert à la signature à Washington, 23 avril 1946.

EDITOR'S NOTE. The signature of this Protocol was recommended by the UNRRA Council on March 25, 1946. UNRRA, *Journal, Fourth Session of the Council*, p. 171. In August 1946, the Council of UNRRA authorized the Director General to transfer UNRRA's functions under the International Sanitary Convention to the World Health Organization. *Br. Parl. Papers*, Misc. No. 10 (1946), Cmd. 6930, pp. 4-5. This transfer was effected as from December 1, 1946, by an exchange of letters between the Director General of UNRRA and the Executive Secretary of the Interim Commission of the World Health Organization on October 22, 1946. 2 UNRRA, *Epidemiological Information Bulletin* (1946), pp. 848-49. By an agreement of December 9, 1946, other functions of UNRRA in the field of health were transferred to the World Health Organization as from January 1, 1947. UNRRA, *Report of the Director General to the Council for the Period 1 October 1946 to 31 December 1946*, p. 75.

RATIFICATIONS. On September 1, 1948, the Protocol had been signed without any reservation with respect to ratification, or ratified, or acceded to, by Australia, Canada, China, Denmark, Dominican Republic, France, Great Britain, Greece, Haiti, Honduras, India, Italy, Luxemburg, Netherlands, New Zealand, Nicaragua, Philippines, Poland, South Africa, Syria, Turkey, and the United States of America.

BIBLIOGRAPHY. The text of this Protocol is also published in 17 *U.N. Treaty Series*, p. 3; 2 UNRRA, *Epidemiological Information Bulletin* (1946), p. 424; *British Treaty Series*, No. 41 (1946), Cmd. 6943; Canada, *Treaty Series*, 1946, No. 23.

M. A. Kramer, M. Maylott, and J. W. Foley, "International Health Security in the Modern World: The Sanitary Conventions and the World Health Organization," 17 *U.S. Department of State Bulletin* (1947), pp. 953-58.

Entered into force April 30, 1946.¹

Text from *U.S. Treaties and Other International Acts Series*, No. 1551.

The Governments signatory to the present Protocol,

Considering that, unless prolonged in force by action taken for that purpose by the interested Governments, the International Sanitary Convention, 1944, Modifying the International Sanitary Convention of June 21, 1926, will expire on July 15, 1946, the expiration of eighteen months from the date on which the said 1944 Convention entered into force; and

Les Gouvernements signataires du présent Protocole,

Considérant que, si elle n'est pas maintenue en vigueur par des mesures prises à cet effet par les Gouvernements intéressés, la Convention sanitaire internationale de 1944 portant modification de la Convention sanitaire internationale du 21 juin 1926 expirera le 15 juillet 1946, date d'expiration du délai de dix-huit mois à compter du jour où ladite Convention de 1944 est entrée en vigueur; et

¹ Registered with the Secretariat of the United Nations, No. 265, July 26, 1948.

Considering that it is desirable that the said 1944 Convention shall be prolonged in force after July 15, 1946 between the Governments parties thereto;

Have appointed their respective Plenipotentiaries who, having deposited their full powers, found in good and proper form, have agreed as follows:

Article 1. Subject to the limitation provided for in Article 2 of the present Protocol, the International Sanitary Convention, 1944, Modifying the International Sanitary Convention of June 21, 1926, shall be prolonged in force on and after July 15, 1946, in respect of each of the Governments parties to the present Protocol, until the date on which such Government shall become bound by a further Convention amending or superseding the said 1944 Convention and the said 1926 Convention.

Art. 2. The United Nations Relief and Rehabilitation Administration (hereinafter referred to as UNRRA) shall continue to perform the duties and functions assigned to it by the said 1944 Convention, as prolonged by the present Protocol, until such time as a new International Health Organization shall be established, at which time such duties and functions shall be transferred to and shall be assumed by such new International Health Organization, provided that if the new International Health Organization has not been formed or, having been formed, is unable to perform the above duties and functions by the date on which UNRRA, owing to the termination of its activities in Europe or for any other reason, ceases to be able to perform them, those duties and functions shall be entrusted to the Office International d'Hygiène Publique and the countries signatory to this Protocol will, in that event, make appropriate financial provisions so as to enable

Considérant qu'il est désirable de proroger ladite Convention de 1944 au delà de la date du 15 juillet 1946 entre les Gouvernements qui y sont parties;

Ont désigné leurs Plenipotentiaires respectifs, qui, après avoir déposé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit:

Art. 1. Sous réserve des stipulations de l'article 2 du présent Protocole, la Convention sanitaire internationale de 1944 portant modification de la Convention sanitaire internationale du 21 juin 1926 demeurera en vigueur, à dater du 15 juillet 1946, à l'égard des Gouvernements parties au présent Protocole jusqu'au jour où chacun desdits Gouvernements se trouvera lié par une convention ultérieure modifiant ou remplaçant ladite Convention de 1944 et ladite Convention de 1926.

Art. 2. L'Administration des Nations Unies de Secours et de Restauration (dénommée ci-après UNRRA) continuera à assumer les tâches et fonctions qui lui sont assignées par ladite Convention de 1944, telle qu'elle est prorogée par le présent Protocole, jusqu'au jour où une nouvelle Organisation internationale d'Hygiène sera établie, date à laquelle ces tâches et fonctions seront transférées à ladite Organisation internationale d'Hygiène et assumées par elle; toutefois, si la nouvelle Organisation internationale d'Hygiène n'a pas encore été constituée, ou si, après sa constitution, elle se trouve dans l'impossibilité de se charger des tâches et fonctions mentionnées ci-dessus à la date à laquelle UNRRA, parce que ses activités en Europe ont pris fin ou pour toute autre raison, cessera d'être en mesure de s'en charger, ces tâches et fonctions seront confiées à l'Office international d'Hygiène publique et, dans ce cas, les pays signataires du

the Office to perform those duties and functions.

Art. 3. The present Protocol shall remain open for signature until May 1, 1946.

Art. 4. The present Protocol shall come into force when it has been signed without reservation in regard to ratification, or instruments of ratification have been deposited or notifications of accession have been received on behalf of at least ten governments. The present Protocol shall come into force in respect of each of the other signatory Governments on the date of signature on its behalf, unless such signature is made with a reservation in regard to ratification, in which event the present Protocol shall come into force in respect of such Government on the date of the deposit of its instrument of ratification.

Art. 5. After May 1, 1946, the present Protocol shall be open to accession by any Government which is a party to the 1944 Convention and is not a signatory to the present Protocol. Each accession shall be notified in writing to the Government of the United States of America.

Accessions notified on or before the date on which the present Protocol enters into force shall be effective as of that date. Accessions notified after the date of the entry into force of the present Protocol shall become effective in respect of each Government upon the date of the receipt of that Government's notification of accession.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries sign the present Protocol, on the date indicated opposite their respective signatures, in the English and French languages, both texts being equally

présent Protocole prendront les mesures financières appropriées pour permettre à l'Office de remplir ces tâches et fonctions.

Art. 3. Le présent Protocole demeurera ouvert à la signature jusqu'au 1er mai 1946.

Art. 4. Le présent Protocole entrera en vigueur lorsqu'il aura été signé sans réserve de ratification, ou lorsque des instruments de ratification auront été déposés ou des notifications d'adhésion reçues au nom de dix Gouvernements au moins. Le présent Protocole entrera en vigueur à l'égard de chacun des autres Gouvernements signataires à la date de la signature en son nom, à moins que cette signature ne soit accompagnée d'une réserve de ratification, auquel cas le présent Protocole entrera en vigueur à l'égard de ce Gouvernement à la date du dépôt de son instrument de ratification.

Art. 5. Après le 1er mai 1946, le présent Protocole sera ouvert à l'adhésion de tout Gouvernement partie à la Convention de 1944 qui n'est pas signataire du présent Protocole. Chaque adhésion sera notifiée par écrit au Gouvernement des Etats-Unis d'Amérique.

Les adhésions notifiées avant ou à la date de l'entrée en vigueur du présent Protocole deviendront effectives à partir de cette date. Les adhésions notifiées après l'entrée en vigueur du présent Protocole deviendront effectives à l'égard de chaque Gouvernement à partir de la réception de la notification d'adhésion de ce Gouvernement.

EN FOI DE QUOI, les Plénipotentiaires soussignés ont signé les textes anglais et français du présent Protocole, les deux versions faisant également foi, à la date figurant en regard de leurs signa-

authentic, in a single original which shall be deposited in the archives of the Government of the United States of America and of which certified copies shall be furnished by the Government of the United States of America to each of the signatory and acceding Governments and to each of the Governments parties to the said 1944 Convention or the said 1926 Convention.

Done at Washington this twenty-third day of April, 1946.

tures respectives, en un seul exemplaire qui sera déposé aux archives du Gouvernement des Etats-Unis d'Amérique et dont des copies certifiées conformes seront fournies par le Gouvernement des Etats-Unis d'Amérique à chacun des Gouvernements signataires et adhérents et à chacun des Gouvernements parties à ladite Convention de 1944 et à ladite Convention de 1926.

Fait à Washington, le vingt-troisième jour d'avril 1946.

[Signed:] For **New Zealand**: C. A. BERENDSEN, April 23, 1946; for **Belgium**: (Sous réserve de ratification.) SILVERCRUYS, April 24, 1946; for **Canada**: LESTER B. PEARSON, April 25, 1946; for **Nicaragua**: ALBERTO SEVILLA SACASA, April 26, 1946; for the **United Kingdom of Great Britain and Northern Ireland**: HALIFAX, April 29, 1946; for the **United States of America**: (Subject to ratification.) DEAN ACHESON, April 30, 1946; for **Greece**: P. ECONOMOU-GOURAS, April 30, 1946; for **China**: WEI TAO-MING, April 30, 1946; for **Luxembourg**: HUGUES LE GALLAIS, April 30, 1946; for **Ecuador**: (Subject to ratification.) L. N. PONCE, April 30, 1946; for **Australia**: (Subject to the reservations with which Australia acceded to the 1944 Convention to which this Protocol relates.[1]) J. B. BRIGDEN, April 30, 1946; for **Haiti**: DANTES BELLEGARDE, April 30, 1946; for **France**: H. BONNET, April 30, 1946.

No. 644

INTERNATIONAL Sanitary Convention for Aerial Navigation.
Opened for signature at Washington, December 15, 1944.

CONVENTION sanitaire internationale pour la navigation aérienne.
Ouvverte à la signature à Washington, 15 décembre 1944.

EDITOR'S NOTE. This Convention was drafted by an Expert Commission on Quarantine established by the Subcommittee for Europe of the Standing Technical Committee on Health of the United Nations Relief and Rehabilitation Administration Council. After

¹ [On April 3, 1945, the Australian Government acceded to the International Sanitary Convention, 1944, subject to the following reservations contained in note no. 156/45 dated Mar. 26, 1946, from the Australian Legation:

(a) Under Article No. 24 the Australian Government declares that the Convention does not apply to the Territories of Papua and Norfolk Islands or the Mandated Territories of New Guinea and Nauru.

(b) The Australian Government reserves the right in respect of certificates of inoculation against cholera, typhus, yellow fever and certificates of vaccination against smallpox, to accept only those certificates which are signed by a recognized official of the Public Health Services of the country concerned, and which carry within the text of the certificate an intimation of the office occupied by the person signing the certificate.

(c) The Australian Government reserves full rights under Articles Nos. 7 and 9 of the 1926 Convention, especially with reference to the last paragraph on the re-establishment of the Eastern Bureau or analogous agencies as regional bureau for Asia or the Pacific zone.]

its approval, with certain changes, by the Committee on Health, the Convention was approved "in principle" by the Second Session of the UNRRA Council held at Montreal, September 15-26, 1944; the final text, together with an explanatory resolution, was adopted by the Committee on Health at Washington, December 9, 1944. A protocol to prolong the duration of the Convention beyond July 1, 1946, was opened for signature at Washington on April 23, 1946 (No. 644a, *post*). The World Health Organization, established under the Constitution of July 22, 1946, took over UNRRA's functions under this Convention on December 1, 1946. For the text of the 1933 convention which was modified by this Convention, see No. 326, *ante*. For a companion convention amending the 1926 sanitary convention, see No. 643, *ante*. A Pan American Sanitary Convention was signed at Habana, November 14, 1924 (No. 131, *ante*).

RATIFICATIONS. On September 1, 1948, this Convention had been signed without any reservation of ratification, or ratified, or acceded to, by Australia (with reservations), Belgium, Canada, China, Dominican Republic, Ecuador, France, Great Britain (including certain British territories), Greece, Haiti, Honduras, India, Italy, Luxemburg, Netherlands, New Zealand (with a reservation), Nicaragua, Poland, South Africa, Syria, Turkey, and the United States of America.

BIBLIOGRAPHY. The text of this Convention is also published in 16 *U.N. Treaty Series*, p. 247; *British Treaty Series*, No. 64 (1946), Cmd. 6999; Canada, *Treaty Series*, 1944, No. 33; 1 UNRRA, *Epidemiological Information Bulletin* (1945), pp. 33-49, 69-84. For the declarations made by France and Egypt at the time of signature, see *idem*, pp. 85-100. For the 1944 text of the 1933 convention, see *idem*, pp. 179-204, 410-38.

See also the bibliography under No. 643, *ante*.

Entered into force January 15, 1945.¹

Text from *U.S. Treaty Series*, No. 992.

The Governments signatory hereto, Considering that the International Office of Public Health created by the Agreement signed at Rome on December 9, 1907, is unable for the time being to carry out effectively all of the duties and functions assigned to it in the Annex to that Agreement; in the International Sanitary Convention, 1926; in the International Sanitary Convention for Aerial Navigation, 1933; and in other Conventions or Agreements relating to the public health;

Having entrusted the task of solving this temporary problem by the preparation of emergency agreements and arrangements for the notification of epidemic diseases and for uniformity in quarantine regulations to the United Nations Relief and Rehabilitation Administration (hereinafter referred to as UNRRA), in accordance with Reso-

Les Gouvernements signataires, Considérant que l'Office international d'Hygiène publique, créé par l'accord signé à Rome le 9 décembre 1907, ne peut pour le moment remplir effectivement toutes les tâches et fonctions qui lui ont été assignées par l'Annexe de cet Accord, par la Convention sanitaire internationale de 1926, par la Convention sanitaire internationale pour la Navigation aérienne de 1933 et par d'autres Conventions ou Accords ayant rapport à l'hygiène publique;

Ayant conformément à la résolution No. 8 (2) adoptée lors de sa première session par le Conseil de l'Administration des Nations Unies de Secours et de Restauration (dénommée ci-après UNRRA), confié à l'UNRRA la tâche de résoudre ce problème temporaire en élaborant, à titre de mesures d'urgence, des accords et arrangements pour

¹ Filed with the Secretariat of the United Nations, No. 106, June 23, 1948.

lution No. 8 (2) adopted by the Council of UNRRA at its First Session, without prejudice however to the status of the International Office of Public Health which it is hoped will be able at the expiry of the present Convention to resume the above-mentioned duties and functions; and having received the recommendations of UNRRA in this connection;

Having agreed that, in regard to the American Republics, the Pan American Sanitary Bureau shall continue to act as the general co-ordinating sanitary agency, including the general collection and distribution of sanitary information to and from the said Republics, as specified in the Pan American Sanitary Code and recognized heretofore by the International Office of Public Health;

Desiring also to modify as between themselves the provisions of the International Sanitary Convention for Aerial Navigation signed at The Hague on April 12, 1933 (hereinafter referred to as *the 1933 Convention*) in the light of the present-day conditions which call for special measures to prevent the spread by air across frontiers of epidemic or other communicable diseases;

Have decided to conclude a Convention for these purposes, have agreed that, whereas the authentic text of the 1933 Convention is in the French language, the present Convention shall be in English and in French, both texts being equally authentic, and have accordingly appointed the undersigned plenipotentiaries who, having communicated their full powers, found in good and due form, have agreed that the 1933 Convention shall be amended as follows:

la notification des maladies épidémiques ainsi que pour l'uniformisation des mesures de quarantaine, sans porter atteinte au statut de l'Office international d'Hygiène publique qui, il est permis de l'espérer, pourra, à l'expiration de la présente Convention, reprendre les tâches et fonctions mentionnées ci-dessus; et ayant reçu les recommandations de l'UNRRA à ce sujet;

Ayant convenu que, à l'égard des Républiques américaines, le Bureau sanitaire panaméricain jouera, comme par le passé, le rôle d'organe général de coordination en matière sanitaire, notamment pour la réunion et la distribution générales d'informations sanitaires qui proviennent desdites Républiques ou leur sont destinées, ainsi qu'il est spécifié dans le Code sanitaire panaméricain et comme cela a été accepté jusqu'ici par l'Office international d'Hygiène publique;

Désirant aussi modifier, en ce qui les concerne, les dispositions de la Convention sanitaire internationale pour la Navigation aérienne signée à la Haye le 12 avril 1933 (dénommée ci-après *la Convention de 1933*), pour tenir compte des conditions actuelles qui nécessitent des mesures spéciales pour empêcher la propagation des maladies épidémiques ou autres maladies contagieuses par la voie des airs à travers les frontières;

Ont décidé de conclure une Convention à cette fin, sont convenus que, alors que le texte authentique de la Convention de 1933 est rédigé en langue française, la présente Convention sera rédigée en anglais et en français, les deux textes faisant également foi, et ont en conséquence désigné les plénipotentiaires sous-signés qui, s'étant communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus que la Convention sanitaire internationale de 1933 sera modifiée ainsi qu'il suit:

ARTICLE 1

All references in the 1933 Convention to the International Office of Public Health shall be read as references to UNRRA.

ARTICLE 2

The second paragraph of Article 1, subparagraph VI, shall be deleted and the following substituted:

The word *surveillance* means that persons are not isolated, that they may move about freely, but that the sanitary authorities of the place or places to which they are proceeding are notified of their coming. They may be subjected in the places of arrival to a medical examination and such inquiries as are necessary with a view to ascertaining their state of health; and, in any territory where the competent Contracting Party thinks fit, surveillance may include requirement to report on arrival and afterwards at such intervals during continuance of surveillance as may be specified, to the Health Officer of the city, town, district, or place to which they proceed.

ARTICLE 3

To Article 1 the following definitions shall be added:

VIII. The term *typhus, typhus fever, or exanthematous typhus* shall be deemed to relate only to epidemic louse-borne typhus.

IX. An *endemic yellow fever area* is a region in which yellow fever exists in a form recognizable clinically, biologically, or pathologically.

X. A *valid anti-yellow fever inoculation certificate* is one certifying that the bearer has been inoculated against yellow fever, with a vaccine

ARTICLE 1

Toute référence à l'Office international d'Hygiène publique contenue dans la Convention de 1933 sera considérée comme une référence à l'UNRRA.

ARTICLE 2

Au deuxième paragraphe de l'Article 1er, alinéa VI, substituer ce qui suit:

Le mot *surveillance* signifie que les personnes ne sont pas isolées, qu'elles obtiennent tout de suite la libre pratique, mais que l'autorité sanitaire de la localité ou des localités où elles se rendent est prévenue de leur arrivée. Elles pourront être soumises au lieu d'arrivée à un examen médical, et l'on pourra leur poser les questions nécessaires à la constatation de leur état de santé. Dans tout territoire où la Partie Contractante compétente le juge nécessaire, la surveillance peut comprendre l'obligation de se présenter, lors de l'arrivée, et ensuite à intervalles fixes pendant la durée de la surveillance, devant l'Officier de santé de la ville, de la région ou de l'endroit où les intéressés se rendent.

ARTICLE 3

A l'Article 1er ajouter les définitions suivantes:

VIII. Les termes *typhus, typhus fébrile* et *typhus exanthématique* seront considérés comme ne se rapportant qu'au typhus épidémique transmis par les poux.

IX. Une *zone d'endémicité de la fièvre jaune* est une région dans laquelle la fièvre jaune existe sous une forme qui peut être décelée par des signes cliniques, biologiques ou anatomo-pathologiques.

X. Un *certificat valable de vaccination contre la fièvre jaune* est un certificat attestant que le porteur a été vacciné contre la fièvre jaune par

and by a method approved by UNRRA, if there have elapsed:

(1) More than 10 days and less than 4 years from the date of the inoculation.

(2) Less than 4 years from the date of a re-inoculation performed within 4 years of the previous inoculation.

(3) More than 10 days and less than 4 years from the date of re-inoculation performed after an interval of more than 4 years.

XI. The term *Stegomyia (Aedes aegypti)* shall be deemed to include *Aedes aegypti* and any potential mosquito vectors of yellow fever.

ARTICLE 4

Article 9 shall be deleted and the following substituted:

(1) All passengers traveling by aircraft on international flight shall, on or just before arrival at the point of final disembarkation, or, if required, at any aerodrome where the journey is broken, complete a Personal Declaration of Origin and Health.

(2) The Commander of an aircraft on international flight shall, on or just before the arrival of the aircraft at the first authorized aerodrome in the country of entry, complete an Aircraft Declaration of Health to be handed to the aerodrome authority on arrival, and may be required to produce certificates concerning sanitary measures which such Declaration states were undergone by the aircraft before departure or at stopping places in application of the 1933 Convention as hereby amended.

(3) Aircraft shall not be required to carry Bills of Health.

(4) The Contracting Parties will,

un vaccin et au moyen d'une méthode approuvée par l'UNRRA, s'il s'est écoulé:

(1) Plus de dix jours et moins de quatre ans depuis la date de la vaccination.

(2) Moins de quatre ans depuis la date d'une revaccination pratiquée dans les quatre ans suivant la vaccination précédente.

(3) Plus de dix jours et moins de quatre ans depuis la date d'une revaccination pratiquée après un intervalle de plus de quatre ans.

XI. Le terme *Stegomyia (Aedes aegypti)* sera considéré comme comprenant *Aedes aegypti* et tous autres moustiques susceptibles d'être des vecteurs de fièvre jaune.

ARTICLE 4

A l'*Article 9* substituer ce qui suit:

(1) Les passagers faisant par aéronef un voyage international devront, soit à l'arrivée, soit immédiatement avant l'arrivée au point terminal de leur voyage, ou, s'ils en sont requis, à tout aéroport où le voyage est interrompu, remplir une déclaration personnelle d'origine et de santé.

(2) Le Commandant d'un aéronef effectuant un voyage international devra, à l'arrivée ou immédiatement avant l'arrivée au premier aéroport autorisé du pays où il pénètre, remplir une déclaration de santé d'aéronef qu'il remettra aux autorités de l'aéroport dès son arrivée. Il peut être requis de produire des certificats concernant les mesures sanitaires auxquelles, d'après la déclaration, a été soumis l'aéronef avant le départ ou à des points d'arrêt, en application de la Convention de 1933, telle qu'elle a été modifiée par la présente Convention.

(3) Les aéronefs ne seront pas tenus d'être munis d'une patente de santé.

(4) Les Parties Contractantes

so far as possible, adopt the International Forms of Aircraft Declaration of Health, Personal Declaration of Origin and Health, and Certificates of Inoculation or Vaccination against cholera, typhus, and smallpox, respectively, annexed hereto.*

ARTICLE 5

To Article 13 the following shall be added:

Further, the embarkation of persons who do not present adequate sanitary guarantees may be prohibited, until the sanitary measures—delousing, disinfection of clothing, etc., or any other measures that are, in the opinion of the sanitary authority, necessary to prevent the carriage of the disease by aircraft, have been carried out.

ARTICLE 6

To Article 16 after "sanitary measures" at the end of the first paragraph the words "including cleansing" shall be added.

ARTICLE 7

Article 20 shall be deleted and the following substituted:

(1) Each Contracting Party shall immediately notify, by the most rapid means, the other Contracting Parties and UNRRA of:

(a) The first recognized case of plague, cholera, or yellow fever discovered in its territory.

(b) The first recognized case of plague, cholera, or yellow fever which occurs outside the limits of local areas already affected.

(c) The existence of an epidemic of typhus or of smallpox.

(2) Every notification prescribed above shall be accompanied, or very promptly followed, by detailed information as to:

(a) The place where the disease has appeared.

adopteront, autant que possible, les modèles internationaux de déclaration de santé d'aéronef, de déclaration personnelle d'origine et de santé et chacun des certificats de vaccination contre le choléra, le typhus et la variole annexés ci-après.*

ARTICLE 5

A l'Article 13 ajouter ce qui suit:

En outre, l'embarquement de personnes ne présentant pas de garanties sanitaires suffisantes peut être interdit jusqu'à ce qu'aient été prises les mesures sanitaires—épouillement, désinfection des vêtements, etc., ou toutes autres mesures qui, de l'avis des autorités sanitaires, seraient nécessaires pour prévenir la propagation de la maladie par aéronef.

ARTICLE 6

A l'Article 16, ajouter à la fin du premier paragraphe, après les mots "mesures sanitaires appropriées" les mots "y compris le nettoyage".

ARTICLE 7

A l'Article 20, substituer ce qui suit:

(1) Chaque Partie Contractante notifiera, sans délai et par les voies les plus rapides, aux autres Parties Contractantes et à l'UNRRA:

(a) Le premier cas de peste, de choléra ou de fièvre jaune constaté sur son territoire.

(b) Le premier cas constaté de peste, de choléra ou de fièvre jaune apparaissant en dehors des limites des zones déjà affectées.

(c) L'existence d'une épidémie de typhus ou de variole.

(2) Chacune des notifications prescrites ci-dessus devra être accompagnée ou suivie dans le plus bref délai d'informations détaillées sur les points suivants:

(a) Lieu d'apparition de la maladie.

* With regard to yellow fever see Article 11 (6).

* Pour ce qui est de la fièvre jaune, voir Article 11 (6).

(b) The date of its appearance, its source, and its type (including reports of pathological examinations as soon as available).

(c) The number of recognized cases and the number of deaths.

(d) The extent of the local area or areas affected.

(e) In the case of plague, the existence of that disease, or of an unusual mortality, among rodents (including reports of bacteriological examinations as soon as available).

(f) In the case of cholera, the number of germ carriers when any have been discovered.

(g) In the case of yellow fever, the presence and relative prevalence (index) of *Stegomyia (Aedes aegypti)*.

(h) The measures taken.

(3) Each Contracting Party shall, in addition to the diseases specifically mentioned in Article 18 of the 1933 Convention, to wit, plague, cholera, yellow fever, typhus, and smallpox, notify outbreaks of such other communicable diseases as, in the opinion of UNRRA, constitute a menace to other countries by their spread or potential spread across frontiers and shall keep UNRRA regularly informed of the course of the disease.

(4) In addition to the formal notification required by paragraphs (1), (2), and (3) above, the Contracting Parties shall, so far as possible, send to UNRRA at regular intervals notifications of other communicable diseases notified in their countries.

(5) The Contracting Parties shall make the necessary arrangements with UNRRA for giving prompt information to all the governments concerned of the outbreak in any country of a disease which, in the opinion of UNRRA, constitutes a menace to other countries and of the measures which are being taken to prevent the spread of the disease across frontiers by aircraft.

(6) The notifications contem-

(b) Date de son apparition, sa source et son type (y compris des comptes rendus d'examens anatomo-pathologiques, dès qu'on en disposera).

(c) Nombre des cas constatés et nombre des décès.

(d) Etendue de la ou des zones affectées.

(e) Dans le cas de la peste, existence de la maladie ou d'une mortalité anormale parmi les rongeurs (y compris des comptes rendus d'examens bactériologiques, dès qu'on en disposera).

(f) Dans le cas du choléra, nombre de porteurs de germes s'il en a été découvert.

(g) Dans le cas de la fièvre jaune, présence ou prévalence relative (indice) de *Stegomyia (Aedes aegypti)*.

(h) Mesures prises.

(3) Chaque Partie Contractante doit, en plus des maladies visées spécifiquement à l'Article 18 de la Convention de 1933, savoir: la peste, le choléra, la fièvre jaune, le typhus et la variole, notifier l'apparition de toute autre maladie contagieuse qui, de l'avis de l'UNRRA, constitue une menace pour d'autres pays, par leur propagation ou la possibilité de leur propagation à travers les frontières et doit tenir l'UNRRA régulièrement au courant du développement de la maladie.

(4) Outre la notification formelle exigée par les paragraphes (1), (2) et (3) ci-dessus, les Parties Contractantes doivent, autant que possible, notifier périodiquement à l'UNRRA les autres maladies contagieuses constatées dans leurs pays.

(5) Les Parties Contractantes feront avec l'UNRRA les arrangements nécessaires pour tenir rapidement informés tous les gouvernements intéressés de l'apparition dans leur pays respectif d'une maladie qui, de l'avis de l'UNRRA, constitue un danger pour d'autres pays, ainsi que des mesures en cours d'exécution pour en empêcher l'extension par aéronef à travers les frontières.

(6) Les notifications envisagées

plated in paragraphs (1) and (2) of this Article are to be addressed to the diplomatic missions, or, failing them, to consular offices in the capital of the infected country and shall be held at the disposition of consular offices established in its territory.

(7) These notifications shall also be addressed to UNRRA which shall communicate them immediately to all diplomatic missions, or, failing them, to the consulates in London or Washington as well as to the principal public health authorities of the participating countries. Those prescribed under paragraphs (1) and (2) of this Article shall be transmitted by telegraph or radio.

(8) The appropriate health authority of each Contracting Party shall transmit to the sanitary and authorized aerodromes of its country or within its jurisdiction all information contained in the epidemiological notifications and communications received from UNRRA (and the regional bureaux with which it has made agreements for this purpose) in execution of the provisions of the International Sanitary Convention of June 21, 1926 which may affect the exercise of sanitary control in those aerodromes.

(9) In order to facilitate the prompt and scrupulous fulfilment of the foregoing provisions, the Contracting Parties shall ensure priority for all communications which may enable UNRRA rapidly to appraise the situation concerning the outbreak of a disease and to inform governments in order that they may take appropriate measures against the spread of the disease across their frontiers.

ARTICLE 8

The second paragraph of Article 32 shall be deleted.

dans les paragraphes (1) et (2) du présent Article devront être adressées aux missions diplomatiques ou, à leur défaut, aux bureaux consulaires établis dans la capitale du pays infecté, et seront mises à la disposition des bureaux consulaires établis sur son territoire.

(7) Ces notifications seront également adressées à l'UNRRA, qui les communiquera immédiatement à toutes les missions diplomatiques ou, à leur défaut, aux consulats à Londres ou à Washington, ainsi qu'aux principales autorités sanitaires des pays participant à la Convention. Les notifications prescrites par les paragraphes (1) et (2) du présent Article devront être adressées par télégramme ou radio.

(8) L'autorité sanitaire appropriée de chaque Partie Contractante transmettra aux aérodromes sanitaires et autorisés, situés sur le territoire ou relevant de la juridiction de la Partie Contractante, toutes les informations contenues dans les notifications épidémiologiques et les communications reçues de l'UNRRA (ainsi que des bureaux régionaux avec lesquels des accords ont été conclus à cet effet), en exécution des dispositions de la Convention sanitaire internationale du 21 juin 1926, si ces informations peuvent affecter l'exercice du contrôle sanitaire dans ces aérodromes.

(9) Afin de faciliter le prompt et scrupuleux accomplissement des dispositions précédentes, les Parties Contractantes accorderont priorité à toutes communications susceptibles de permettre à l'UNRRA de juger rapidement la situation résultant de l'apparition d'une de ces maladies et d'informer les gouvernements afin qu'ils puissent prendre les mesures nécessaires pour combattre la propagation de la maladie à travers leurs frontières.

ARTICLE 8

Supprimer le deuxième paragraphe de l'Article 32.

ARTICLE 9

In Article 34, paragraph (b), the following shall be inserted after subparagraph (3):

(4) The Contracting Parties shall give favorable consideration to the inoculation against typhus of all persons on board exposed to risk.

Sub-paragraphs (4) and (5) of Article 34 shall be renumbered (5) and (6) respectively.

ARTICLE 10

Article 35(b) (3) shall be deleted and the following substituted:

(3) Other persons reasonably suspected to have been exposed to infection and who, in the opinion of the sanitary authority, are not sufficiently protected by recent vaccination, or by a previous attack of smallpox, may be subjected to vaccination or to observation or to surveillance, or to vaccination followed by observation or surveillance, the period of observation or surveillance being specified according to the circumstances, but in any event not exceeding 14 days, reckoned from the date of arrival of the aircraft.

The final paragraph of Article 35 shall be deleted and the following substituted:

For the purpose of this Article "recent vaccination" shall be taken as meaning evidence of successful vaccination not more than 3 years or less than 14 days previously, or evidence of an immune reaction.

ARTICLE 11

Article 36 shall be deleted and the following substituted:

The Contracting Parties agree:

(1) That persons suffering, or suspected to be suffering, from yel-

ARTICLE 9

A l'Article 34, paragraphe (b), après l'alinéa (3) insérer ce qui suit:

(4) Les Parties Contractantes examineront favorablement la possibilité de faire vacciner contre le typhus toutes les personnes se trouvant à bord qui seraient exposées au danger de contamination.

Les alinéas (4) et (5) de l'Article 34 porteront respectivement les numéros (5) et (6).

ARTICLE 10

A l'Article 35(b) (3), substituer ce qui suit:

(3) Toute personne que, à juste raison, l'on suspecte d'avoir été exposée à l'infection et qui, de l'avis de l'autorité sanitaire, n'est pas suffisamment protégée par une vaccination récente ou par une attaque antérieure de variole, peut être soumise soit à la vaccination, ou à l'observation, ou à la surveillance, soit à la vaccination suivie d'observation ou de surveillance, la durée de l'observation ou de la surveillance étant fixée suivant les circonstances, mais ne devant en aucun cas dépasser quatorze jours à dater de l'arrivée de l'aéronef.

Au dernier paragraphe de l'Article 35 substituer ce qui suit:

Pour l'application du présent Article, l'expression "vaccination récente" sera considérée comme signifiant que preuve a été fournie d'une vaccination faite avec succès au moins quatorze jours et pas plus de trois ans auparavant; ou que preuve a été fournie que le porteur présente une réaction d'immunité.

ARTICLE 11

A l'Article 36 substituer ce qui suit:

Les Parties Contractantes conviennent que:

(1) Les personnes atteintes, ou soupçonnées d'être atteintes de

low fever shall not be allowed to embark on aircraft on international flight.

(2) That they will take all possible measures to establish the existence or non-existence of yellow fever within their territories. For this purpose, in territories where endemicity of yellow fever is suspected, in cases where the person dies within 10 days from the onset of any undiagnosed febrile illness, it is important that a specimen of liver tissue be taken, if necessary by viscerotome, for histopathological examination. In endemic areas a sample of blood for a yellow fever immunity test should, in addition, wherever possible, be taken from all persons suffering from an undiagnosed fever, and if the cause of the fever remains doubtful and the patient recovers, a second sample should be collected at the end of the third week from the onset of illness.

(3) For the purpose of quarantine control, UNRRA in consultation with the governments concerned and, as regards the Western Hemisphere, with the Pan American Sanitary Bureau, shall define the boundaries of endemic yellow fever areas.

(4) That they shall use their best endeavors to secure that all persons who are likely to land in an endemic yellow fever area shall be inoculated against yellow fever 10 days before arrival in the area and that, so long as such persons remain in the area, they shall be re-inoculated every 4 years.

(5) (a) That inoculation against yellow fever shall be required for all regular staff employees and crews using authorized aerodromes situated in endemic yellow fever areas.

(b) That in areas in which yellow fever does not exist, but in which there may be conditions permitting

fièvre jaune, ne pourront être admises à s'embarquer à bord d'un aéronef pour un voyage international.

(2) Les Parties Contractantes prendront toutes les mesures possibles pour établir l'existence ou la non-existence de la fièvre jaune sur leurs territoires. A cette fin, dans les territoires où l'on suspecte la présence de la fièvre jaune à l'état endémique, s'il existe des cas de malades mourant dans les dix jours après le début d'une maladie fébrile non diagnostiquée, il est important qu'un spécimen des tissus du foie soit prélevé, si nécessaire par viscérotomie, pour examen histopathologique. En outre, dans les zones d'endémicité, on fera, si possible, un prélèvement de sang pour rechercher la réaction d'immunité à la fièvre jaune sur chaque personne atteinte d'une fièvre non diagnostiquée; si la cause de la fièvre reste douteuse, et si le malade guérit, un second prélèvement de sang devrait être fait à la fin de la troisième semaine à partir du début de la maladie.

(3) Aux fins de l'application du régime de quarantaine, l'UNRRA devra, en consultation avec les gouvernements intéressés, et, en ce qui concerne l'hémisphère occidental, avec le Bureau d'hygiène panaméricain, délimiter les zones où la fièvre jaune existe à l'état endémique.

(4) Les Parties Contractantes s'efforceront de veiller à ce que toutes personnes qui pourraient être appelées à atterrir dans une zone d'endémicité de la fièvre jaune soient vaccinées contre la fièvre jaune dix jours avant l'arrivée dans cette zone et ensuite revaccinées tous les quatre ans aussi longtemps qu'elles y séjourneront.

(5) (a) La vaccination contre la fièvre jaune sera obligatoire pour tout le personnel ordinaire et les équipages utilisant des aéroports autorisés situés dans les zones d'endémicité de la fièvre jaune.

(b) Dans les régions où la fièvre jaune n'existe pas, mais où les conditions de son développement existent,

of its development, inoculation of such personnel is recommended.

(6) That all persons inoculated in compliance with the provisions of paragraphs (4) and (5) of this Article shall be furnished with and carry an Inoculation Certificate signed by the officer carrying out the inoculation. This certificate shall conform to the International Form of Certificate of Inoculation against yellow fever annexed hereto.

(7) That persons in possession of a valid anti-yellow fever inoculation certificate shall not for the purpose of the control of yellow fever be subjected to quarantine restrictions.

(8) That in place of a valid anti-yellow fever inoculation certificate, a certificate that the bearer has recovered from an attack of yellow fever and that his blood contains immune bodies against yellow fever, as proved by a test carried out by an institute regularly carrying out biological tests for yellow fever and approved for this purpose by the government of the country concerned, will be accepted.

(9) That any person not in possession of a valid anti-yellow fever inoculation certificate shall be considered to have been exposed to the risk of contracting yellow fever during the period of his stay in an endemic yellow fever area.

(10) That UNRRA shall lay down standards with which yellow fever vaccine shall conform.

(11) That they will make arrangements to test at frequent intervals the activity of the yellow fever immunizing vaccine in use in order to ensure that its immunizing properties are satisfactory, and for this purpose agree that UNRRA in consultation with the governments concerned and, as regards the Western Hemisphere, with the Pan American Sanitary Bureau, shall designate from time to time institutes which are approved for the carrying out of such tests.

la vaccination de ce personnel et des équipages est recommandée.

(6) Toutes les personnes vaccinées en exécution des dispositions des paragraphes (4) et (5) du présent Article seront munies d'un certificat de vaccination signé par l'agent ayant effectué la vaccination et devront en être porteurs. Ce certificat doit être conforme au modèle international de certificat de vaccination contre la fièvre jaune annexée ci-après.

(7) Les personnes en possession d'un certificat valable de vaccination contre la fièvre jaune ne seront pas soumises aux restrictions de quarantaine instituées pour combattre la fièvre jaune.

(8) A défaut d'un certificat valable de vaccination contre la fièvre jaune, on acceptera un certificat attestant que le porteur est remis d'un accès de fièvre jaune et que son sang contient des anti-corps contre la fièvre jaune, la preuve en ayant été faite par l'emploi d'un test appliqué par un institut exécutant habituellement des tests biologiques de fièvre jaune et agréé à cet effet par le gouvernement du pays intéressé.

(9) Toute personne ne possédant pas un certificat valable de vaccination contre la fièvre jaune sera considérée comme ayant été exposée au risque de contagion pendant la durée de son séjour dans une zone d'endémicité de la fièvre jaune.

(10) L'UNRRA établira les standards auxquels le vaccin contre la fièvre jaune devra répondre.

(11) Les Parties Contractantes prendront des dispositions pour vérifier à de fréquents intervalles l'efficacité du vaccin d'immunisation en usage contre la fièvre jaune. A cette fin, l'UNRRA désignera de temps à autre, en consultation avec les gouvernements intéressés, et, en ce qui concerne l'hémisphère occidental, avec le Bureau d'hygiène pan-américain, les instituts qui seront agréés pour procéder à ces vérifications.

ARTICLE 12

Article 38 shall be deleted and the following substituted:

Notwithstanding Article 4 of the 1933 Convention, every aerodrome which receives aircraft to which the 1933 Convention as amended applies (Article 1, I, second paragraph) and which is situated in a region, that is to say, a part of a territory, in which yellow fever exists in a form clinically, biologically, or pathologically recognizable shall be made a sanitary aerodrome as defined in the 1933 Convention, and in addition, shall be:

(1) situated at an adequate distance from the nearest inhabited center;*

(2) provided with arrangements for a water supply completely protected against mosquitoes, and kept as free as possible from mosquitoes by systematic measures for the suppression of breeding places and the destruction of the insects in all stages of development;

(3) provided with mosquito-proofed dwellings for the crews of the aircraft and for the staff of the aerodrome;

(4) provided with a mosquito-proofed dwelling in which passengers can be accommodated or hospitalized.

With a view to the elimination of insect vectors of yellow fever, the Contracting Parties will render and maintain free from such vectors (a) aerodromes and their surroundings in endemic yellow fever areas,

ARTICLE 12

A l'Article 38, substituer ce qui suit:

Nonobstant l'Article 4 de la Convention de 1933, tout aéroport recevant un aéronef auquel s'applique la Convention de 1933, telle qu'elle a été modifiée par la présente Convention (Article 1, I, deuxième paragraphe), et qui est situé dans une région (c'est-à-dire une partie d'un territoire) où la fièvre jaune existe sous une forme cliniquement, biologiquement ou anatomo-pathologiquement décelable, sera désigné comme un aéroport sanitaire, selon la définition de la Convention de 1933, et devra en outre:

(1) être situé à une distance adéquate des lieux habités les plus proches;*

(2) être pourvu d'un système d'approvisionnement en eau complètement protégé contre les moustiques, et être maintenu autant que possible libre de moustiques par des mesures systématiques de suppression des nids d'incubation et de destruction des insectes à tous les stades de leur développement;

(3) être pourvu d'habitations à l'épreuve des moustiques pour les équipages et le personnel de l'aéroport;

(4) être pourvu d'habitations à l'épreuve des moustiques pour le logement et l'hospitalisation des passagers.

Afin d'éliminer les insectes vecteurs de la fièvre jaune, les Parties Contractantes rendront et maintiendront libres de ces insectes: (a) les aéroports et leurs environs dans les zones d'endémicité de la

* For the purpose of mosquito control the perimeter of the aerodrome should be defined as the line enclosing the area containing the aerodrome buildings and any land used or intended to be used for the parking of aircraft. A building-free zone of 400 meters should be maintained around the perimeter of all aerodromes on main air lines of communications within endemic yellow fever areas.

* Pour tout ce qui concerne la lutte contre les moustiques, le périmètre de l'aéroport sera défini comme la ligne qui circonscrit la zone où se trouvent les bâtiments de l'aéroport et tout terrain utilisé ou susceptible d'être utilisé pour le stationnement des aéronefs. Une zone non construite de 400 mètres doit être maintenue autour du périmètre de tout aéroport situé sur les grandes lignes de communication aériennes et qui se trouve dans une zone d'endémicité de la fièvre jaune.

and (b) aerodromes not situated in endemic yellow fever areas but exposed to the risk of the introduction of the disease.

As an immediate precaution against the carriage of vectors of yellow fever, disinsectization of aircraft shall be carried out at each aerodrome within an endemic yellow fever area, particularly on departure from the last aerodrome in an endemic yellow fever area.

Health authorities in any territory within an endemic yellow fever area shall be at liberty to impose such quarantine restrictions against other territories within that area as may be authorized by the 1933 Convention as hereby amended. Detention of healthy passengers and crews not carrying valid Inoculation Certificates shall not be carried out at the aerodrome of departure. They shall be permitted to depart, the necessary quarantine measures being carried out at the first aerodrome of arrival in an area at risk.

ARTICLE 13

*Articles 39 to 46 inclusive shall be deleted.**

ARTICLE 14

Article 47 shall be deleted, and the following substituted:

(1) In territories in which yellow fever does not exist, but in which there may be conditions which permit of its development:

(a) authorized aerodromes shall conform to the requirements set

fièvre jaune; (b) les aérodromes situés hors des zones d'endémicité, mais dans lesquels la maladie risque d'être introduite.

Comme mesure immédiate contre le transport des vecteurs de la fièvre jaune, une désinsectisation des aéronefs sera effectuée à chaque aérodrome situé dans une zone d'endémicité de la fièvre jaune et, particulièrement, au départ du dernier aérodrome situé dans une zone d'endémicité de la fièvre jaune.

Dans tout territoire compris dans une zone d'endémicité de la fièvre jaune, les autorités sanitaires auront toute latitude pour imposer, à l'égard d'autres territoires situés dans cette même zone, les mesures de quarantaine qui sont autorisées par la Convention de 1933, telle qu'elle a été modifiée par la présente Convention. Les passagers en bonne santé et les membres de l'équipage non porteurs de certificat valable de vaccination ne pourront être retenus à l'aérodrome de départ. Ils seront autorisés à partir, les mesures de quarantaine nécessaires étant prises au premier aérodrome d'arrivée dans une zone menacée.

ARTICLE 13

*Les Articles 39 à 46 inclusivement sont supprimés.**

ARTICLE 14

A l'Article 47 substituer ce qui suit:

(1) Dans les territoires où la fièvre jaune n'existe pas, mais où les conditions pourraient en permettre le développement:

(a) les aérodromes autorisés devront se conformer aux prescriptions

* In view of the deletion of Article 40, compliance with the requirements of Article 38 as amended shall no longer cause aerodromes situated in an endemic yellow fever area to be regarded as "antiamaril aerodromes" and separate local areas. Passengers landing at such aerodromes shall submit to the measures laid down in Article 38 as required.

* Par suite de la suppression de l'Article 40, l'application des prescriptions de l'Article 38, modifié, n'aura plus pour effet de faire considérer les aérodromes situés dans une zone d'endémicité de la fièvre jaune comme "aérodromes antiamaril" et comme zones séparées. Les passagers atterrissant à ces aérodromes seront soumis aux mesures définies à l'Article 38, selon les nécessités du cas.

forth in Article 38 of the 1933 Convention as hereby amended;

(b) upon arrival at the first aerodrome of call aircraft which have proceeded from endemic yellow fever areas shall be disinfected.

(2) All persons traveling by air from an endemic yellow fever area to one in which yellow fever does not exist but in which there may be conditions which permit of its development, shall be dealt with in the following manner, at the first stopping place in the latter area:

(a) if they are in possession of a valid anti-yellow fever inoculation certificate they shall be allowed to proceed without any quarantine restrictions with respect to yellow fever;

(b) if they are not in possession of a valid anti-yellow fever inoculation certificate, they may be isolated in properly screened quarters until the certificate becomes valid or until 6 days have elapsed, whichever is the lesser.

(3) Notwithstanding the preceding provisions of this Article, the Contracting Parties may (but only in the most exceptional cases) issue Certificates of Urgency to non-inoculated persons whose unobstructed passage is absolutely and immediately essential on grounds of high policy, certifying that a passage without hindrance to the bearer of the Certificate is urgently necessary.

The precise form and method of issue of the Certificate and the nature of the certifying authority shall be a matter for arrangement and communication between governments concerned.

The Contracting Parties undertake to grant unimpeded passage to bearers of such Certificates but the

de l'Article 38 de la Convention de 1933, telle qu'elle a été modifiée par la présente Convention;

(b) à l'arrivée au premier aérodrome, les aéronefs provenant d'une zone d'endémicité de la fièvre jaune seront désinsectisés.

(2) Toute personne faisant par voie aérienne un voyage d'une zone d'endémicité de la fièvre jaune vers une autre zone où la fièvre jaune n'existe pas, mais où les conditions pourraient en permettre le développement, sera traitée de la façon suivante au premier point d'arrêt dans cette autre zone:

(a) si elle est en possession d'un certificat valable de vaccination contre la fièvre jaune, elle sera autorisée à continuer son voyage sans subir les restrictions de quarantaine concernant la fièvre jaune;

(b) si elle n'est pas en possession d'un certificat valable de vaccination contre la fièvre jaune, elle pourra être isolée dans des locaux dûment pourvus de grillages jusqu'au moment où le certificat deviendra valable ou jusqu'à l'expiration d'un délai de six jours, suivant que l'une ou l'autre circonstance se produira la première.

(3) Nonobstant les dispositions précédentes du présent Article, les Parties Contractantes peuvent (mais seulement dans des cas tout à fait exceptionnels) délivrer à des personnes non-vaccinées dont le libre passage est absolument et immédiatement essentiel pour des raisons de haute politique, des certificats d'urgence attestant qu'il est de nécessité urgente de laisser passer sans entraves le porteur du certificat.

La forme exacte et le mode de délivrance du certificat, ainsi que le caractère de l'autorité qui aura qualité pour l'émettre, feront l'objet d'arrangements et de communications entre les gouvernements intéressés.

Les Parties Contractantes s'engagent à accorder le libre passage aux porteurs de ces certificats, mais

movements of such Certificate holders will, whenever possible, be restricted during stops on air routes to adequately screened quarters which will not be left except to re-enter the aircraft.

ARTICLE 15

The first line of Article 51 shall be altered to read "The following measures may be taken on arrival:".

ARTICLE 16

Article 53 shall be deleted, and the following substituted:

Persons who, on their arrival at an aerodrome, are considered, under the terms of Part III of the 1933 Convention as hereby amended, liable to surveillance* up to the expiration of the period of incubation of the disease, may nevertheless continue the voyage on condition that the fact is notified to the authorities of subsequent landing places and of the place of arrival by some method sufficient to secure that they can be subjected to medical inspection in any subsequent aerodromes on the route.

Persons who are liable to observation* under the terms of Article 26 of the 1933 Convention shall

* IN ALL CASES where this Convention provides for surveillance, surveillance may not be replaced by observation except

(a) in circumstances in which it would not be practicable to carry out surveillance with sufficient thoroughness; or

(b) if the risk of the introduction of infection into the country is considered to be exceptionally serious; or

(c) if the person who would be subject to surveillance cannot furnish adequate sanitary guarantees.

Persons under observation or surveillance shall submit themselves to any examination which the competent sanitary authority may consider necessary.

* DANS TOUS LES CAS où la présente Convention prescrit une surveillance, celle-ci ne pourra être remplacée par l'observation, excepté

(a) dans les circonstances où la surveillance ne pourrait être exercée avec le soin nécessaire;

(b) si le risque d'introduire une maladie infectieuse dans le pays est considéré comme exceptionnellement sérieux;

(c) si la personne qui doit faire l'objet de la surveillance ne peut fournir les garanties sanitaires suffisantes.

Les personnes en observation ou sous surveillance se soumettront à tout examen que l'autorité sanitaire compétente pourrait juger nécessaire.

les déplacements de ces personnes seront, autant que possible, restreints pendant les escales sur les lignes aériennes à des locaux dûment pourvus de grillages qu'elles ne devront quitter que pour se rendre à l'aéronef.

ARTICLE 15

A l'Article 51 la première ligne sera modifiée comme suit "Les mesures suivantes peuvent être prises à l'arrivée:".

ARTICLE 16

A l'Article 53, substituer ce qui suit:

Toute personne qui, à son arrivée dans un aérodrome, est considérée, aux termes de la Partie III de la Convention de 1933, telle qu'elle a été modifiée par la présente Convention, comme astreinte à être placée en surveillance* jusqu'à la fin de la période d'incubation de la maladie, peut néanmoins continuer son voyage, à la condition que le fait soit notifié aux autorités des territoires où elle doit atterrir, ainsi qu'à celles du territoire d'arrivée, par une méthode garantissant que l'intéressé sera soumis à l'inspection médicale aux aérodromes situés de long de la route.

Aucune personne astreinte à être mise en observation* aux termes de l'Article 26 de la Convention de 1933

not be authorized, until the expiration of the period of incubation, to continue their voyage except, in the case of diseases other than yellow fever, with the approval of the sanitary authorities of the next stopping place.

ARTICLE 17

The first paragraph of Article 54 shall be deleted and the following substituted:

In applying sanitary measures to an aircraft coming from an infected local area, the sanitary authority of each aerodrome shall, to the greatest possible extent, take into account all measures which have already been applied to the aircraft, in another sanitary aerodrome abroad or in the same country, and which are duly noted in the Aircraft Declaration of Health referred to in Article 4 of the present Convention.

To Article 54 the following paragraph shall be added:

In view of the special risk of conveying insect vectors of malaria and other diseases by aircraft on international flight, all such aircraft leaving affected areas will be disinfected. Notwithstanding the terms of Article 54 of the 1933 Convention as hereby amended, further disinfection of the aircraft on or before arrival may be required if there is reason to suspect the importation of insect vectors.

And the Contracting Parties have further agreed as follows:

ARTICLE 18

The present Convention shall come into force as soon as it has been signed or acceded to on behalf of ten or more governments.

ne sera autorisée, jusqu'à l'expiration de la période d'incubation, à continuer son voyage, excepté, dans le cas de maladies autres que la fièvre jaune, avec l'autorisation des autorités sanitaires du point d'arrêt suivant.

ARTICLE 17

Au paragraphe premier de l'Article 54, substituer ce qui suit:

En appliquant des mesures sanitaires à un aéronef provenant d'une zone infectée, l'autorité sanitaire de chaque aéroport doit, dans toute la mesure du possible, tenir compte de toutes mesures déjà appliquées à l'aéronef dans un autre aéroport sanitaire, soit à l'étranger, soit dans le pays même, et dûment constatées dans la déclaration de santé d'aéronef prévue par l'Article 4 de la présente Convention.

A l'Article 54, ajouter le paragraphe suivant:

En raison du risque spécial de transport, par les aéronefs effectuant des voyages internationaux, d'insectes vecteurs de la malaria et d'autres maladies, tout aéronef quittant une zone infectée doit être désinsectisé au départ. Nonobstant les termes de l'Article 54 de la Convention de 1933, telle qu'elle a été modifiée par la présente Convention, une désinfection subséquente de l'aéronef peut être exigée avant l'arrivée ou à l'arrivée s'il y a des raisons de soupçonner l'importation d'insectes vecteurs.

En outre, les Parties Contractantes sont convenues de ce qui suit:

ARTICLE 18

La présente Convention entrera en vigueur aussitôt qu'elle aura été acceptée, par voie de signature ou d'adhésion, par dix gouvernements au moins.

ARTICLE 19

The present Convention shall supplement and be read as one with the 1933 Convention, which as hereby amended remains in full force between the Contracting Parties, and whenever any provision of the 1933 Convention contains a reference to another provision, the reference shall be deemed to be a reference to that provision as modified by any amendments effected thereto by the present Convention.

ARTICLE 20

After January 15, 1945 the present Convention shall be open to accession by any government not a signatory. Accessions shall be notified in writing to the Government of the United States of America.

Accessions notified after the entry into force of the present Convention shall become effective with respect to each government upon the notification of its accession.

ARTICLE 21

Any Contracting Party may on signature or accession declare that the present Convention does not apply to all or any of its colonies, overseas territories, territories under its protection, suzerainty, or authority, or territories in respect of which it exercises a mandate. The present Convention may at any time thereafter be applied to any such territory by notification in writing to the Government of the United States of America, and the Convention shall apply to the territory concerned from the date of the receipt of the notification by the Government of the United States of America.

ARTICLE 19

La présente Convention complètera la Convention de 1933 et sera considérée comme formant un tout avec elle. Ladite Convention, telle qu'elle est modifiée par la présente Convention, demeure pleinement en vigueur entre les Parties Contractantes. Lorsqu'une disposition de la Convention de 1933 contient une référence à une autre disposition, cette référence sera considérée comme étant une référence à la disposition en question, telle qu'elle résulte de toutes modifications qui y sont apportées par la présente Convention.

ARTICLE 20

A partir du 15 janvier 1945, la présente Convention sera ouverte à l'adhésion de tout gouvernement qui n'en est pas signataire. Les adhésions seront notifiées par écrit au Gouvernement des Etats-Unis d'Amérique.

Les adhésions notifiées après l'entrée en vigueur de la présente Convention deviendront effectives à l'égard de chaque gouvernement lors de la notification de son adhésion.

ARTICLE 21

Toute Partie Contractante peut, en signant la présente Convention ou en y adhérant, déclarer qu'elle ne s'applique pas à tout ou partie de ses colonies, territoires d'outre-mer, territoires placés sous sa protection, suzeraineté ou autorité, ou territoires pour lesquels elle exerce un mandat. La présente Convention pourra à tout moment ultérieur être rendue applicable à l'un quelconque de ces territoires par une notification écrite adressée au Gouvernement des Etats-Unis d'Amérique; la Convention s'appliquera à ce territoire à partir de la réception de la notification par le Gouvernement des Etats-Unis d'Amérique.

ARTICLE 22

The Government of the United States of America shall give notice in writing to governments parties to the 1933 Convention and to governments parties to the present Convention, of all signatures and accessions to the present Convention and of all notifications regarding the territories to which the present Convention is to be applied.

ARTICLE 23

The present Convention shall remain in force as to each Contracting Party until either

- (1) such Party shall become bound by a further Convention amending or superseding the 1933 Convention, or
 - (2) the expiration of eighteen months from the date on which the present Convention enters into force,
- whichever shall be the earlier.

ARTICLE 24

The original of the present Convention shall be deposited in the archives of the Government of the United States of America and shall be opened for signature at Washington on December 15, 1944, where it shall remain open for signature until January 15, 1945. Certified copies hereof shall be furnished by the Government of the United States of America to each of the governments on behalf of which this Convention is signed or acceded to and to each of the governments parties to the 1933 Convention.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, having deposited their full powers, found to be in due and proper form, sign the present Convention in the English and French languages, both texts being equally authentic, on behalf

ARTICLE 22

Le Gouvernement des Etats-Unis d'Amérique informera par écrit les gouvernements parties à la Convention de 1933 ainsi que les gouvernements parties à la présente Convention, de toutes signatures et adhésions à la présente Convention, ainsi que de toutes notifications concernant les territoires auxquels la présente Convention est rendue applicable.

ARTICLE 23

La présente Convention demeurera en vigueur pour chaque Partie Contractante jusqu'à ce que

- (1) cette Partie se trouve liée par une convention ultérieure modifiant ou remplaçant la Convention de 1933, ou que
 - (2) une période de dix-huit mois se soit écoulée à dater du jour où la présente Convention entrera en vigueur,
- selon que l'une ou l'autre circonstance se produira la première.

ARTICLE 24

Le texte original de la présente Convention sera déposé aux archives du Gouvernement des Etats-Unis d'Amérique et sera ouvert à la signature le 15 décembre 1944, à Washington, où il demeurera ouvert à la signature jusqu'au 15 janvier 1945. Des copies certifiées conformes en seront fournies par le Gouvernement des Etats-Unis d'Amérique à chacun des gouvernements par lesquels cette Convention aura été acceptée, par voie de signature ou d'adhésion, ainsi qu'à chacun des gouvernements parties à la Convention de 1933.

EN FOI DE QUOI, les plénipotentiaires soussignés, ayant déposé leurs pleins pouvoirs trouvés en bonne et due forme, ont signé les textes anglais et français de la présente Convention, les deux versions faisant également foi, au nom de leurs

of their respective governments, on the dates appearing opposite their signatures. gouvernements respectifs, aux dates figurant en regard de leurs signatures.

[Signed:] For the **French Republic**: ANDRÉ MAYER, January 5, 1945; for **Poland**: JAN CIECHANOWSKI, January 5, 1945; for the **United Kingdom of Great Britain and Northern Ireland**: (At the time of signing the present Convention I declare that my signature does not cover any of the territories referred to in Article Twenty-One of the International Sanitary Convention for Aerial Navigation, 1944.) HALIFAX, January 5, 1945; for the **United States of America**: (Subject to ratification.) E. R. STETTINIUS, JR., January 5, 1945; for **China**: J. HENG LIU, January 11, 1945; for the **Union of South Africa**: S. F. N. GIE, January 13, 1945; for **Egypt**: (With the following reservations: 1. That this signature does not affect in any way the relations of the Egyptian Government with the International Office of Public Health, Paris, or its obligations toward the Regional Office at Alexandria; 2. That this convention is subject to ratification by the Egyptian Parliament.) M. HASSAN, January 15, 1945; for **Canada**: (Subject to ratification.) L. B. PEARSON, January 15, 1945; for **Cuba**: (Esta Convención, previa la aprobación del Senado de la República, será ratificada por el Ejecutivo.) G. M. BELT, January 15, 1945; for the **Dominican Republic**: (Con la reserva de que la República Dominicana no podrá ratificar esta Convención sin adherirse, al mismo tiempo, a las Convenciones de París y de La Haya, y que por virtud de disposiciones constitucionales de la República, estos procesos estarán subordinados a la previa sanción del Congreso Nacional.) EMILIO G. GODOY, January 15, 1945; for **Bolivia**: (Sujeto a ratificación) V. ANDRADE, January 15, 1945; for **Nicaragua**: GUILLERMO SEVILLA SACASA, January 15, 1945; for **Peru**: (With the following reservations: 1. That this Convention is signed *ad referendum*; 2. That if the execution of the said Convention would not conform with the regulations contained in the Pan American Sanitary Code of Havana, Perú will give preference to the latter.) P. G. BELTRÁN, January 15, 1945; for **Luxembourg**: HUGUES LE GALLAIS, January 15, 1945; for **Ecuador**: S. E. DURAN BALLEEN, January 15, 1945; for **Greece**: C. P. DIAMANTOPOULOS, January 15, 1945; for **Honduras**: JULIÁN R. CÁCERES, January 15, 1945; for **Haiti**: J. THÉBAUD, January 15, 1945.

No. 644a

Protocol to Prolong the Duration of the International Sanitary Convention for Aerial Navigation of 1944. Opened for signature at Washington, April 23, 1946.

Protocole prorogeant la durée de la Convention sanitaire pour la navigation aérienne de 1944. Ouvert à la signature à Washington, 23 avril 1946.

EDITOR'S NOTE. The signature of this Protocol was recommended by the UNRRA Council on March 25, 1946. UNRRA, *Journal, Fourth Session of the Council*, p. 171. In August 1946, the Council of UNRRA authorized the Director General to transfer UNRRA's functions under the Sanitary Convention for Aerial Navigation to the World Health Organization. *Br. Parl. Papers*, Misc. No. 10 (1946), Cmd. 6930, pp. 4-5. This transfer

was effected as from December 1, 1946, by an exchange of letters between the Director General of UNRRA and the Executive Secretary of the Interim Commission of the World Health Organization on October 22, 1946. 2 UNRRA, *Epidemiological Information Bulletin* (1946), pp. 848-49.

RATIFICATIONS. On June 1, 1948, the Protocol had been signed without any reservation with respect to ratification, or ratified, or acceded to, by Australia, Canada, China, Dominican Republic, France, Great Britain, Greece, Haiti, Honduras, India, Italy, Luxemburg, Netherlands, New Zealand, Nicaragua, Philippines, Poland, South Africa, Syria, Turkey, and the United States of America.

BIBLIOGRAPHY. The text of this Protocol is also published in 16 *U.N. Treaty Series*, p. 179; *British Treaty Series*, No. 42 (1946), Cmd. 6944; Canada, *Treaty Series*, 1946, No. 24. See also the bibliography under No. 643a, *ante*.

Entered into force April 30, 1946.¹

Text from *U.S. Treaties and Other International Acts Series*, No. 1552.

The Governments signatory to the present Protocol,

Considering that, unless prolonged in force by action taken for that purpose by the interested Governments, the International Sanitary Convention for Aerial Navigation, 1944, Modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933, will expire on July 15, 1946, the expiration of eighteen months from the date on which the said 1944 Convention entered into force; and

Considering that it is desirable that the said 1944 Convention shall be prolonged in force after July 15, 1946, between the Governments parties thereto;

Have appointed their respective Plenipotentiaries who, having deposited their full powers, found in good and proper form, have agreed as follows:

Article 1. Subject to the limitation provided for in Article 2 of the present Protocol, the International Sanitary Convention for Aerial Navigation, 1944, Modifying the International Sanitary Convention for Aerial Navigation of April 12, 1933, shall be prolonged in force on and

Les Gouvernements signataires du présent Protocole,

Considérant que, si elle n'est pas maintenue en vigueur par des mesures prises à cet effet par les Gouvernements intéressés, la Convention sanitaire internationale pour la Navigation aérienne de 1944 portant modification de la Convention sanitaire internationale pour la Navigation aérienne du 12 avril 1933 expirera le 15 juillet 1946, date d'expiration du délai de dix-huit mois à compter du jour où ladite Convention de 1944 est entrée en vigueur; et

Considérant qu'il est désirable de proroger ladite Convention de 1944 au delà de la date du 15 juillet 1946 entre les Gouvernements qui y sont parties;

Ont désigné leurs Plénipotentiaires respectifs, qui, après avoir déposé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de ce qui suit:

Article 1. Sous réserve des stipulations de l'article 2 du présent Protocole, la Convention sanitaire internationale pour la Navigation aérienne de 1944 portant modification de la Convention sanitaire internationale pour la Navigation aérienne du 12 avril 1933 demeurera

¹ Registered with the Secretariat of the United Nations, No. 257, June 23, 1948.

after July 15, 1946, in respect of each of the Governments parties to the present Protocol, until the date on which such Government shall become bound by a further Convention amending or superseding the said 1944 Convention and the said 1933 Convention.

Art. 2. The United Nations Relief and Rehabilitation Administration (hereinafter referred to as UNRRA) shall continue to perform the duties and functions assigned to it by the said 1944 Convention, as prolonged by the present Protocol, until such time as a new International Health Organization shall be established, at which time such duties and functions shall be transferred to and shall be assumed by such new International Health Organization, provided that if the new International Health Organization has not been formed or, having been formed, is unable to perform the above duties and functions by the date on which UNRRA, owing to the termination of its activities in Europe or for any other reason, ceases to be able to perform them, those duties and functions shall be entrusted to the Office International d'Hygiène Publique and the countries signatory to this Protocol will, in that event, make appropriate financial provisions so as to enable the Office to perform those duties and functions.

Art. 3. The present Protocol shall remain open for signature until May 1, 1946.

Art. 4. The present Protocol shall come into force when it has been signed without reservation in regard to ratification, or instruments of ratification have been deposited or notifications of accession have been received on behalf of at least ten Governments. The present Protocol shall come into force in respect of each of the other signatory Governments on the date of signature on its

en vigueur, à dater du 15 juillet 1946, à l'égard des Gouvernements parties au présent Protocole jusqu'au jour où chacun des dits Gouvernements se trouvera lié par une convention ultérieure modifiant ou remplaçant ladite Convention de 1944 et ladite Convention de 1933.

Art. 2. L'Administration des Nations Unies de Secours et de Restauration (dénommée ci-après UNRRA) continuera à assumer les tâches et fonctions qui lui sont assignées par ladite Convention de 1944, telle qu'elle est prorogée par le présent Protocole, jusqu'au jour où une nouvelle Organisation internationale d'Hygiène sera établie, date à laquelle ces tâches et fonctions seront transférées à ladite Organisation internationale d'Hygiène et assumées par elle; toutefois, si la nouvelle Organisation internationale d'Hygiène n'a pas encore été constituée, ou si, après sa constitution, elle se trouve dans l'impossibilité de se charger des tâches et fonctions mentionnées ci-dessus à la date à laquelle UNRRA, parce que ses activités en Europe ont pris fin ou pour toute autre raison, cessera d'être en mesure de s'en charger, ces tâches et fonctions seront confiées à l'Office international d'Hygiène publique et, dans ce cas, les pays signataires du présent Protocole prendront les mesures financières appropriées pour permettre à l'Office de remplir ces tâches et fonctions.

Art. 3. Le présent Protocole demeurera ouvert à la signature jusqu'au 1er mai 1946.

Art. 4. Le présent Protocole entrera en vigueur lorsqu'il aura été signé sans réserve de ratification, ou lorsque des instruments de ratification auront été déposés ou des notifications d'adhésion reçues au nom de dix Gouvernements au moins. Le présent Protocole entrera en vigueur à l'égard de chacun des autres Gouvernements signataires à la date de la signature en son nom,

behalf, unless such signature is made with a reservation in regard to ratification, in which event the present Protocol shall come into force in respect of such Government on the date of the deposit of its instrument of ratification.

Art. 5. After May 1, 1946 the present Protocol shall be open to accession by any Government which is a party to the 1944 Convention and is not a signatory to the present Protocol. Each accession shall be notified in writing to the Government of the United States of America.

Accessions notified on or before the date on which the present Protocol enters into force shall be effective as of that date. Accessions notified after the date of the entry into force of the present Protocol shall become effective in respect of each Government upon the date of the receipt of that Government's notification of accession.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries sign the present Protocol, on the date indicated opposite their respective signatures, in the English and French languages, both texts being equally authentic, in a single original which shall be deposited in the archives of the Government of the United States of America and of which certified copies shall be furnished by the Government of the United States of America to each of the signatory and acceding Governments and to each of the Governments parties to the said 1944 Convention or the said 1933 Convention.

Done at Washington this twenty-third day of April, 1946.

à moins que cette signature ne soit accompagnée d'une réserve de ratification, auquel cas le présent Protocole entrera en vigueur à l'égard de ce Gouvernement à la date du dépôt de son instrument de ratification.

Art. 5. Après le 1er mai 1946, le présent Protocole sera ouvert à l'adhésion de tout Gouvernement partie à la Convention de 1944 qui n'est pas signataire du présent Protocole. Chaque adhésion sera notifiée par écrit au Gouvernement des Etats-Unis d'Amérique.

Les adhésions notifiées avant ou à la date de l'entrée en vigueur du présent Protocole deviendront effectives à partir de cette date. Les adhésions notifiées après l'entrée en vigueur du présent Protocole deviendront effectives à l'égard de chaque Gouvernement à partir de la réception de la notification d'adhésion de ce Gouvernement.

EN FOI DE QUOI, les Plénipotentiaires soussignés ont signé les textes anglais et français du présent Protocole, les deux versions faisant également foi, à la date figurant en regard de leurs signatures respectives, en un seul exemplaire qui sera déposé aux archives du Gouvernement des Etats-Unis d'Amérique et dont des copies certifiées conformes seront fournies par le Gouvernement des Etats-Unis d'Amérique à chacun des Gouvernements signataires et adhérents et à chacun des Gouvernements parties à ladite Convention de 1944 et à ladite Convention de 1933.

Fait à Washington, le vingt-troisième jour d'avril 1946.

[Signed:] For **New Zealand**: C. A. BERENDSEN, April 23, 1946; for **Belgium**: (Sous réserve de ratification.) SILVERCRUYS, April 24, 1946; for **Canada**: LESTER B. PEARSON, April 25, 1946; for **Nicaragua**: ALBERTO SEVILLA SACASA, April 26, 1946; for the **United Kingdom of Great Britain and Northern Ireland**: HALIFAX, April 29, 1946; for the **United States of America**: (Subject to ratification.) DEAN ACHESON, April 30, 1946; for **Greece**: P.

ECONOMOU-GOURAS, April 30, 1946; for **China**: WEI TAO-MING, April 30, 1946; for **Luxembourg**: HUGUES LE GALLAIS, April 30, 1946; for **Ecuador**: (Subject to ratification.) L. N. PONCE, April 30, 1946; for **Australia**: (Subject to the reservations with which Australia acceded to the 1944 Convention to which this Protocol relates.[1]) J. B. BRIGDEN, April 30, 1946; for **Haiti**: DANTES BELLE-GARDE, April 30, 1946; for **France**: H. BONNET, April 30, 1946.

No. 645

ARMISTICE Agreement with Hungary. Signed at Moscow, January 20, 1945.

ACCORD concernant l'armistice avec la Hongrie. Signé à Moscou, 20 janvier 1945.

EDITOR'S NOTE. This is one of the instruments which ended the hostilities in World War II. For other armistice agreements of the period, see Nos. 625, 636-638, *ante*; Nos. 651, 661, *post*. At the time of the armistice, Hungary was at war with Australia, Bolivia, Canada, Czechoslovakia, Great Britain, Haiti, India, Luxemburg, New Zealand, Nicaragua, South Africa, the Soviet Union, the United States of America, and Yugoslavia. For the texts of the Vienna Arbitration awards of November 2, 1948, and August 30, 1940, which were annulled by this Agreement (Article 19), see Nos. 536 and 590, *ante*. A decree of the Hungarian Provisional Government of February 19, 1945, relinquished Hungarian jurisdiction over the Czechoslovak, Rumanian, and Yugoslav territories occupied by Hungary since 1938. A reparation agreement between Hungary and the Soviet Union was concluded on June 15, 1945. A treaty on exchange of population was signed in Prague by Czechoslovakia and Hungary, February 10, 1946; and a reparations agreement between these countries was signed on April 6, 1946. The treaty of peace with Hungary, signed at Paris, February 10, 1947, came into force on September 15, 1947. *U.S. Treaties and Other International Acts Series*, No. 1651. A treaty of friendship, cooperation, and mutual assistance between

¹ [On April 3, 1945, the Australian Government acceded to the International Sanitary Convention for Aerial Navigation of 1944, subject to the following reservations contained in note No. 156/45 dated March 26, 1946, from the Australian Legation:

(a) Pursuant to Article No. 21, the Government declares that the Convention does not apply to the Territories of Papua and Norfolk Islands or the Mandated Territories of New Guinea and Nauru.

(b) The Australian Government reserves the right in respect of certificates of inoculation against cholera, typhus, yellow fever and certificates of vaccination against smallpox, to accept only those certificates which are signed by a recognized official of the Public Health Services of the country concerned, and which carry within the text of the certificate an intimation of the office occupied by the person signing the certificate.

(c) The Australian Government, for temporary reasons of a practical nature, is not in a position to accept the full obligations arising out of Section 1, Part I of the 1933 Convention in relation to aerodromes within its territory which are within operational areas or under the control of the Air Forces of the Commonwealth or any Allied power.

(d) Notwithstanding Article No. 35 or other provisions of the 1933 or the present Convention, the Australian Government reserves the right to require that every member of the crew and every passenger on every aircraft arriving from overseas shall, on arrival at the first landing place in Australia, produce to the quarantine officer there a certificate of recent vaccination against smallpox as defined in the Convention, or a certificate that he has given proof that he is adequately immune to smallpox, failing both of which certificates he shall submit to be vaccinated against smallpox.

(e) The Australian Government reserves the right to prohibit the importation into Australia on any aircraft of any animal other than approved insects and parasites.]

Hungary and the Soviet Union was signed at Moscow, February 18, 1948. 1 U.S. Department of State, *Documents and State Papers* (1948), p. 235.

RATIFICATIONS. This Agreement was not subject to ratification.

BIBLIOGRAPHY. The text of the Agreement is also published in *Br. Parl. Papers*, Misc. No. 13 (1947), Cmd. 7280; Canada, *Treaty Series*, 1945, No. 20; 39 *Am. Jour. Int. Law* (Supp., 1945), pp. 97-103.

M. W. Graham, "Armistices—1944 Style", 39 *Am. Jour. Int. Law* (1945), pp. 286-95; O. Jászi, "The Choices in Hungary," 24 *Foreign Affairs* (1946), pp. 453-65.

Entered into force January 20, 1945.

Text from *U.S. Executive Agreement Series*, No. 456.

The Provisional National Government of Hungary, recognizing the fact of the defeat of Hungary in the war against the Soviet Union, the United Kingdom, the United States of America, and other United Nations, accepts the armistice terms presented by the Governments of the above-mentioned three powers, acting on behalf of all the United Nations which are in a state of war with Hungary.

On the basis of the foregoing the representative of the Allied (Soviet) High Command, Marshal of the Soviet Union K. E. Voroshilov, duly authorized thereto by the Governments of the Soviet Union, the United Kingdom, and the United States of America, acting on behalf of all the United Nations which are at war with Hungary, on the one hand and the representatives of the Provisional National Government of Hungary, Minister of Foreign Affairs Mister Gyöngyösi János, Minister of Defense Colonel General Vörös János and State Secretary of the Cabinet of Ministers Mister Balogh Istvan, on the other, holding proper full powers, have signed the following conditions:

1. (a) Hungary has withdrawn from the war against the Union of Soviet Socialist Republics and other United Nations, including Czechoslovakia, has severed all relations with Germany and has declared war on Germany.

(b) The Government of Hungary

undertakes to disarm German armed forces in Hungary and to hand them over as prisoners of war.

The Government of Hungary also undertakes to intern nationals of Germany.

(c) The Government of Hungary undertakes to maintain and make available such land, sea and air forces as may be specified for service under the general direction of the Allied (Soviet) High Command. In this connection Hungary will provide not less than eight infantry divisions with corps troops. These forces must not be used on allied territory except with the prior consent of the allied government concerned.

(d) On the conclusion of hostilities against Germany, the Hungarian armed forces must be demobilized and put on a peace footing under the supervision of the Allied Control Commission. (See Annex to Article 1.)

2. Hungary has accepted the obligation to evacuate all Hungarian troops and officials from the territory of Czechoslovakia, Yugoslavia, and Rumania occupied by her within the limits of the frontiers of Hungary existing on December 31, 1937, and also to repeal all legislative and administrative provisions relating to the annexation or incorporation into Hungary of Czechoslovak, Yugoslav and Rumanian territory.

3. The Government and High Command of Hungary will ensure to the Soviet and other allied forces

facilities for free movement on Hungarian territory in any direction if, in the opinion of the Allied (Soviet) High Command, the military situation requires this, the Government and High Command of Hungary giving such movement every possible assistance with their own means of communication and at their own expense on land, on water and in the air. (See Annex to Article 3.)

4. The Government of Hungary will immediately release all allied prisoners of war and internees. Pending further instructions the Government of Hungary will at its own expense provide all allied prisoners of war and internees, displaced persons and refugees, including nationals of Czechoslovakia and Yugoslavia, with adequate food, clothing, medical services, and sanitary and hygienic requirements, and also with means of transportation for the return of any such persons to their own country.

5. The Government of Hungary will immediately release, regardless of citizenship and nationality, all persons held in confinement in connection with their activities in favor of the United Nations or because of their sympathies with the United Nations' cause or for racial or religious reasons, and will repeal all discriminatory legislation and disabilities arising therefrom.

The Government of Hungary will take all necessary measures to ensure that all displaced persons or refugees within the limits of Hungarian territory, including Jews and stateless persons, are accorded at least the same measure of protection and security as its own nationals.

6. The Government of Hungary undertakes to return to the Soviet Union, and also to Czechoslovakia and Yugoslavia and to the other United Nations, by the dates specified by the Allied Control Commission, and in complete good order, all

valuables and materials removed during the war to Hungary from United Nations' territory and belonging to state, public or cooperative organizations, enterprises, institutions or individual citizens, such as factory and works equipment, locomotives, rolling stock, tractors, motor vehicles, historic monuments, museum treasures and any other property.

7. The Government and High Command of Hungary undertake to hand over as booty into the hands of the Allied (Soviet) High Command all German war material located on Hungarian territory, including vessels of the fleet of Germany.

8. The Government and High Command of Hungary undertake not to permit, without the authorization of the Allied Control Commission, the export or expropriation of any form of property (including valuables and currency) belonging to Germany or her nationals or to persons resident in German territory or in territories occupied by Germany. They will safeguard such property in the manner specified by the Allied Control Commission.

9. The Government and High Command of Hungary undertake to hand over to the Allied (Soviet) High Command all vessels belonging or having belonged to the United Nations which are located in Hungarian Danubian ports, no matter at whose disposal these vessels may be, for use during the period of the war against Germany by the Allied (Soviet) High Command in the general interests of the Allies, these vessels subsequently to be returned to their owners.

The Government of Hungary will bear full material responsibility for any damage or destruction of the aforementioned property until the moment of its transfer to the Allied (Soviet) High Command.

10. Hungarian merchant vessels, whether in Hungarian or foreign waters, shall be subject to the opera-

tional control of the Allied (Soviet) High Command for use in the general interests of the Allies.

11. The Government of Hungary will make regular payments in Hungarian currency and provide commodities (fuel, foodstuffs, et cetera), facilities and services as may be required by the Allied (Soviet) High Command for the fulfillment of its functions as well as for the needs of missions and representatives of the allied states connected with the Allied Control Commission.

The Government of Hungary will also assure, in case of need, the use and regulation of the work of industrial and transport enterprises, means of communication, power stations, enterprises and installations of public utility, stores of fuel and other material, in accordance with instructions issued during the armistice by the Allied (Soviet) High Command or the Allied Control Commission. (See Annex to Article 11.)

12. Losses caused to the Soviet Union, Czechoslovakia and Yugoslavia by military operations and by the occupation by Hungary of the territories of these states will be made good by Hungary to the Soviet Union, Czechoslovakia and Yugoslavia, but taking into consideration that Hungary has not only withdrawn from the war against the United Nations but has declared war against Germany, the parties agree that compensation for the indicated losses will be made by Hungary not in full but only in part; namely, to the amount of 300 million American dollars payable over six years in commodities (machine equipment, river craft, grain, livestock, et cetera), the sum to be paid to the Soviet Union to amount to 200 million American dollars and the sum to be paid to Czechoslovakia and Yugoslavia to amount to 100 million American dollars.

Compensation will be paid by

Hungary for loss and damage caused by the war to other allied states and their nationals, the amount of compensation to be fixed at a later date. (See Annex to Article 12.)

13. The Government of Hungary undertakes to restore all legal rights and interests of the United Nations and their nationals on Hungarian territory as they existed before the war and also to return their property in complete good order.

14. Hungary will cooperate in the apprehension and trial, as well as the surrender to the governments concerned, of persons accused of war crimes.

15. The Government of Hungary undertakes to dissolve immediately all pro-Hitler or other fascist political, military, para-military and other organizations on Hungarian territory conducting propaganda hostile to the United Nations and not to tolerate the existence of such organizations in future.

16. The publication, introduction and distribution in Hungary of periodical or non-periodical literature, the presentation of theatrical performances or films, the operation of wireless stations, post, telegraph and telephone services will take place in agreement with the Allied (Soviet) High Command. (See Annex to Article 16.)

17. Hungarian civil administration will be restored in the whole area of Hungary separated by not less than 50-100 kilometres (depending upon conditions of terrain) from the front line, Hungarian administrative bodies undertaking to carry out, in the interests of the reestablishment of peace and security, instructions and orders of the Allied (Soviet) High Command or Allied Control Commission issued by them for the purpose of securing the execution of these armistice terms.

18. For the whole period of the armistice there will be established in Hungary an Allied Control Com-

mission which will regulate and supervise the execution of the armistice terms under the chairmanship of the representative of the Allied (Soviet) High Command and with the participation of representatives of the United Kingdom and the United States.

During the period between the coming into force of the armistice and the conclusion of hostilities against Germany, the Allied Control Commission will be under the general direction of the Allied (Soviet) High Command. (See Annex to Article 18.)

19. The Vienna Arbitration Award of November 2, 1938 and the Vienna Award of August 30, 1940

are hereby declared to be null and void.

20. The present terms come into force at the moment of their signing.

DONE in Moscow 20 January, 1945, in one copy which will be entrusted to the safekeeping of the Government of the Union of Soviet Socialist Republics, in the Russian, English and Hungarian languages, the Russian and English texts being authentic.

Certified copies of the present agreement, with annexes, will be transmitted by the Government of the Union of Soviet Socialist Republics to each of the other governments on whose behalf the present agreement is being signed.

[Signed:] For the Governments of the **Union of Soviet Socialist Republics**, the **United Kingdom** and the **United States of America**: K. VOROSHILOV; for the Provisional National Government of **Hungary**: GYÖNGYÖSI JÁNOS, VÖRÖS JÁNOS, BALOGH ISTVÁN.

ANNEX TO

"AGREEMENT CONCERNING AN ARMISTICE BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AND THE UNITED STATES OF AMERICA ON ONE HAND AND HUNGARY ON THE OTHER", SIGNED IN MOSCOW 20 JANUARY, 1945.

A.—Annex to Article 1

The Hungarian Military Command shall hand over to the Allied (Soviet) High Command within a period fixed by the latter all the information at its disposal regarding the German armed forces and the plans of the German Military Command for the development of military operations against the Union of Soviet Socialist Republics and the other United Nations, and also the charts and maps and all operational documents relating to the military operations of the German armed forces.

The measures provided for in Article 1 of the Agreement regarding the internment of nationals of Germany now in

Hungarian territory do not apply to nationals of that country of Jewish origin.

B.—Annex to Article 3

The assistance specified in Article 3 of the Agreement shall be taken to mean that the Government and High Command of Hungary will place at the disposal of the Allied (Soviet) High Command, for use at its discretion during the armistice, in complete good order and with the personnel required for their maintenance, all Hungarian military, air and river fleet installations and buildings, ports, barracks, warehouses, airfields, means of communication and meteorological stations which might be required for military needs.

C.—Annex to Article 11

The Government of Hungary will withdraw and redeem within such time limits and on such terms as the Allied (Soviet) High Command may specify, all holdings in Hungarian territory of currencies issued by the Allied (Soviet) High Command, and will hand over currency so withdrawn

free of cost to the Allied (Soviet) High Command.

The Government of Hungary will not permit the disposal of external Hungarian assets or the disposal of internal Hungarian assets to foreign governments or foreign nationals without the permission of the Allied (Soviet) High Command or Allied Control Commission.

D.—Annex to Article 12

The precise nomenclature and varieties of commodities to be delivered by Hungary to the Soviet Union, Czechoslovakia and Yugoslavia in accordance with Article 12 of the Agreement and also the more precise periods for making these deliveries each year shall be defined in special agreements between the respective governments. These deliveries will be calculated at 1938 prices with an increase of fifteen percent for industrial equipment and ten percent for other goods.

As the basis of calculation for payment of the indemnity foreseen in Article 12 of the Agreement, the American dollar is to be used at its gold parity on the day of signing of the agreement, i. e. thirty-five dollars to one ounce of gold.

In connection with Article 12 it is understood that the Government of Hungary will immediately make available certain food and other supplies required for relief and rehabilitation of the population of those Czechoslovak and Yugoslav territories which have suffered as a result of Hungarian aggression. The quantities

of the products to be delivered will be determined by agreement between the three governments and will be considered as part of the reparation by Hungary for the loss and damages sustained by Czechoslovakia and Yugoslavia.

E.—Annex to Article 16

The Government of Hungary will ensure that wireess communication, telegraphic and postal correspondence, and correspondence in cipher and by courier, as well as telephonic communication with foreign countries, of embassies, legations and consulates situated in Hungary will be conducted in the manner laid down by the Allied (Soviet) High Command.

F.—Annex to Article 18

Control over the exact execution of the armistice terms will be entrusted to the Allied Control Commission to be established in conformity with Article 18 of the Armistice Agreement.

The Government of Hungary and its organs shall fulfill all instructions of the Allied Control Commission arising out of the armistice agreement.

The Allied Control Commission will set up special organs or sections, entrusting them respectively with the execution of various functions. In addition, the Allied Control Commission may have its officers in various parts of Hungary.

The Allied Control Commission will have its seat in the city of Budapest.

Moscow, 20 January, 1945.

No. 645a

Protocol to the Armistice Agreement with Hungary. Signed at Moscow, January 20, 1945.

Protocole à l'Accord concernant l'armistice avec la Hongrie. Signé à Moscou, 20 janvier 1945.

BIBLIOGRAPHY. The English version of this Protocol is also published in 12 *U.S. Department of State Bulletin* (1945), p. 86; 39 *Am. Jour. Int. Law* (Supp., 1945), p. 103.

Entered into force January 20, 1945.

Text from *U.S. Executive Agreement Series*, No. 456, p. 31.

In signing the Armistice Agreement with the Government of Hun-

gary, the Allied Governments signatory thereto have agreed as follows:

1. The term "war material" used in Article 7 shall be deemed to include all material or equipment belonging to, used by, or intended for use by the military or para-military formations of the enemy or members thereof.

2. The use by the Allied (Soviet) High Command of allied vessels handed over by the Government of Hungary in accordance with Article

9 of the Armistice Agreement and the date of their return to their owners will be the subject of discussion and settlement between the Government of the Soviet Union and the Allied Governments concerned.

DONE in Moscow in three copies, each in the Russian and English languages, the Russian and English texts being authentic.

January 20, 1945.

[Signed:] By authority of the Government of the **Union of Soviet Socialist Republics**, B. DEKANOZOV; for the Government of the **United States of America**, W. A. HARRIMAN; for the Government of the **United Kingdom**, JOHN BALFOUR.

No. 646

AGREEMENT regarding Japan. Signed at Yalta, February 11, 1945.

ACCORD concernant le Japon. Signé à Yalta, 11 février 1945.

EDITOR'S NOTE. This Agreement, signed at the Yalta (Crimea) Conference, February 4-11, 1945, was published on February 11, 1946. On April 5, 1945, the Soviet Union denounced its neutrality pact with Japan of April 13, 1941. 12 *U.S. Department of State Bulletin* (1945), pp. 811-12; 5 Embassy of the U.S.S.R., *Information Bulletin* (1945), No. 42, p. 6. On August 8, 1945, the Soviet Union declared war against Japan as from August 9, 1945. *Idem*, No. 82, p. 1. An armistice with Japan was signed on September 2, 1945 (No. 661, *post*). A treaty of friendship and alliance and a series of agreements concerning Dairen, Port Arthur, Manchuria, and the Chinese Changchun Railway were signed by China and the Soviet Union on August 14, 1945. 14 *U.S. Department of State Bulletin* (1946), pp. 201-8; 40 *Am. Jour. Int. Law* (Supp., 1946), pp. 51-63; 15 *China At War* (1945), Nos. 3-4, pp. 68-80.

RATIFICATIONS. This Agreement was not subject to ratification.

BIBLIOGRAPHY. The English version of this Agreement is also published in 14 *U.S. Department of State Bulletin* (1946), p. 283; *Br. Parl. Papers*, Misc. No. 4 (1946), Cmd. 6735; 7 *Documents on American Foreign Relations* (1944-1945), p. 355. The Russian version of the Agreement is published in *U.S. Executive Agreement Series*, No. 498, p. 4. For a report of the Yalta Conference, see 12 *U.S. Department of State Bulletin* (1945), pp. 213-16; *Br. Parl. Papers*, Misc. No. 5 (1945), Cmd. 6598; for the protocol of the proceedings of the conference, see *idem*, Misc. No. 7 (1947), Cmd. 7088.

P. B., "Imperial and Soviet Russia in Manchuria," 2 *World Today* (1946), pp. 414-30; H. W. Briggs, "The Leaders' Agreement of Yalta," 40 *Am. Jour. Int. Law* (1946), pp. 376-83; R. Dennett, "Sino-Soviet Accord," 14 *Far Eastern Survey* (1945), pp. 275-78; ———, "Sino-Soviet Treaty and Reparations," 15 *idem* (1946), pp. 257-60; G. M. Friters, "Russia's Position in the Far East," 168 *Contemporary Review* (1945), pp. 208-13; A. J. Grajdanzev, "Soviet Position in the Far East," 14 *Far Eastern Survey* (1945), pp. 334-37; R. J. Kerner, "Russian Policy in the Far East," 35 *Yale Review* (1945), pp. 119-38; F. S. Mansvetov,

"Russia and China in Outer Mongolia," 24 *Foreign Affairs* (1945), pp. 143-52; R. A. Win-
nacker, "Yalta—Another Munich?" 24 *Virginia Quarterly Review* (1948), pp. 521-37.

Entered into force February 11, 1945.

Text from *U.S. Executive Agreement Series*, No. 498.

The leaders of the three Great Powers—the Soviet Union, the United States of America and Great Britain—have agreed that in two or three months after Germany has surrendered and the war in Europe has terminated the Soviet Union shall enter into the war against Japan on the side of the Allies on condition that:

1. The status quo in Outer-Mongolia (The Mongolian People's Republic) shall be preserved;

2. The former rights of Russia violated by the treacherous attack of Japan in 1904 shall be restored, viz:

(a) the southern part of Sakhalin as well as all the islands adjacent to it shall be returned to the Soviet Union,

(b) the commercial port of Dairen shall be internationalized, the pre-eminent interests of the Soviet Union in this port being safeguarded and the lease of Port Arthur as a naval base of the USSR restored,

(c) the Chinese-Eastern Railroad and the South-Manchurian Railroad which provides an outlet to Dairen shall be jointly operated by the es-

tablishment of a joint Soviet-Chinese Company it being understood that the preeminent interests of the Soviet Union shall be safeguarded and that China shall retain full sovereignty in Manchuria;

3. The Kuril islands shall be handed over to the Soviet Union.

It is understood, that the agreement concerning Outer-Mongolia and the ports and railroads referred to above will require concurrence of Generalissimo Chiang Kai-Shek. The President will take measures in order to obtain this concurrence on advice from Marshal Stalin.

The Heads of the three Great Powers have agreed that these claims of the Soviet Union shall be unquestionably fulfilled after Japan has been defeated.

For its part the Soviet Union expresses its readiness to conclude with the National Government of China a pact of friendship and alliance between the USSR and China in order to render assistance to China with its armed forces for the purpose of liberating China from the Japanese yoke.

February 11, 1945.

J. STALIN FRANKLIN D. ROOSEVELT WINSTON S. CHURCHILL

No. 647

ACT of Chapultepec. Signed at Mexico City, March 8, 1945.

ACTA de Chapultepec. Firmada en la Ciudad de México, 8 de marzo de 1945.

EDITOR'S NOTE. This Act was embodied in Resolution VIII, entitled "Reciprocal Assistance and American Solidarity," adopted by the Inter-American Conference on Problems of War and Peace held at Mexico City, February 21-March 8, 1945, and included

in its Final Act. The treaty envisaged in Part II of the Act was signed at Rio de Janeiro, September 2, 1947, and came into force on December 3, 1948. *U.S. Treaties and Other International Acts Series*, No. 1838.

RATIFICATIONS. This Act was not subject to ratification. The Final Act of the Conference was signed by all American republics, except Argentina, on March 8, 1945. Argentina signed it on April 4, 1945.

BIBLIOGRAPHY. The text of the Act is also published in *Diario de la Conferencia Interamericana sobre Problemas de la Guerra y de la Paz* (México, 1945), pp. 213, 254; *Inter-American Conference on Problems of War and Peace: Report Submitted to the Governing Board of the Pan-American Union by the Director General* (Pan American Union, Cong. and Conf. Series, No. 47), p. 30 (English ed.) and p. 31 (Spanish ed.). For the English version, see also *Report of the Delegation of the United States of America to the Inter-American Conference on Problems of War and Peace* (U.S. Department of State, Publ. 2497, Conf. Series No. 85), p. 72; 12 *U.S. Department of State Bulletin* (1945), p. 339; 39 *Am. Jour. Int. Law* (Supp., 1945), p. 108; for the Spanish version, see also 5 *Revista peruana de derecho internacional* (1945), p. 50; 9 *Revista argentina de derecho internacional* (1946), pp. 200-4.

R. J. Alfaro, "La intervención colectiva de las Repúblicas Americanas," 48 *Revista de derecho internacional* (1945), pp. 153-62; M. Ball, "The Inter-American System and the United Nations," 12 *London Quarterly of World Affairs* (1946), pp. 48-61; E. O. Briggs, "Pan America—A Post-War Estimate," 13 *U.S. Department of State Bulletin* (1945), pp. 867-69; G. H. Butler, "Inter-American Relations After World War II," 13 *idem* (1945), pp. 88-99; M. S. Canyes, "The Inter-American System and the Conference of Chapultepec," 39 *Am. Jour. Int. Law* (1945), pp. 504-17; C. G. Fenwick, "The Inter-American Regional System," 39 *Am. Pol. Sci. Rev.* (1945), pp. 490-500; O. Holmes, "The Mexico City Conference and Regional Security," 21 *Foreign Policy Reports* (1945), pp. 42-52; D. D. Johnson, "The Mexico City Conference," 16 *World Affairs Interpreter* (1945), pp. 162-72; R. P. Lopes, "The Inter-American Conference on Problems of War and Peace," 51 *International Labour Review* (1945), pp. 564-88; D. G. Munro, "The Mexico City Conference and the Inter-American System," 12 *U.S. Department of State Bulletin* (1945), pp. 525-30; E. Padilla, "The American System and the World Organization," 24 *Foreign Affairs* (1945), pp. 99-107; N. A. Rockefeller, "The Inter-American System and World Organization," 12 *U.S. Department of State Bulletin* (1945), pp. 675-81; L. S. Rowe, "The Inter-American Conference on Problems of War and Peace," 79 *Bulletin of the Pan American Union* (1945), pp. 249-59; W. P. Sharp, "The Inter-American System and the United Nations," 23 *Foreign Affairs* (1945), pp. 450-64; A. P. Whitaker, "Chapultepec, San Francisco and After," 5 *Inter-American Affairs* (1945), pp. 2-19; J. M. Yepes, *Philosophie du Panaméricanisme et organisation de la Paix* (Neuchâtel, 1945), pp. 141-54.

Entered into force March 8, 1945.

Text from *U.S. Treaties and Other International Acts Series*, No. 1543.

[Translation¹]

Whereas:

The peoples of the Americas, animated by a profound love of justice, remain sincerely devoted to the principles of international law;

Los Gobiernos representados en la Conferencia Interamericana sobre Problemas de la Guerra y de la Paz,

Considerando:

Que los pueblos americanos, animados de profundo amor a la justicia, permanecen sinceramente adictos a los postulados del Derecho Internacional;

¹ Prepared by the Pan American Union.

It is their desire that such principles, notwithstanding the present difficult circumstances, prevail with even greater force in future international relations;

The inter-American conferences have repeatedly proclaimed certain fundamental principles, but these must be reaffirmed at a time when the juridical bases of the community of nations are being re-established;

The new situation in the world makes more imperative than ever the union and solidarity of the American peoples, for the defense of their rights and the maintenance of international peace;

The American states have been incorporating in their international law, since 1890, by means of conventions, resolutions and declarations, the following principles:

a) The proscription of territorial conquest and the non-recognition of all acquisitions made by force (First International Conference of American States, 1890);

b) The condemnation of intervention by one State in the internal or external affairs of another (Seventh International Conference of American States, 1933, and Inter-American Conference for the Maintenance of Peace, 1936);

c) The recognition that every war or threat of war affects directly or indirectly all civilized peoples, and endangers the great principles of liberty and justice which constitute the American ideal and the standard of American international policy (Inter-American Conference for the Maintenance of Peace, 1936);

d) The system of mutual consultation in order to find means of peaceful cooperation in the event of war or threat of war between American countries (Inter-American Conference for the Maintenance of Peace, 1936);

e) The recognition that every act

Que son sus deseos que tales postulados, no obstante las difíciles circunstancias actuales, prevalezcan todavía con más fuerza en las futuras relaciones internacionales;

Que las Conferencias Interamericanas han proclamado más de una vez ciertos principios fundamentales, pero que éstos deben ser reafirmados en el momento en que se trata de reconstruir las bases jurídicas de la comunidad de naciones;

Que la nueva situación del mundo hace cada vez más imperiosa la unión y la solidaridad de los pueblos americanos para la defensa de sus derechos y el mantenimiento de la paz internacional;

Que los Estados americanos han venido incorporando a su Derecho Internacional, desde 1890, por medio de Convenciones, Resoluciones y Declaraciones, las normas siguientes:

a) La proscripción de la conquista territorial y el desconocimiento de toda adquisición hecha por la violencia (Primera Conferencia Internacional Americana, 1890);

b) La condenación de la intervención de un Estado en los asuntos internos o externos de otro (Séptima Conferencia Internacional Americana, 1933, y Conferencia Interamericana de Consolidación de la Paz, 1936);

c) El reconocimiento de que toda guerra o amenaza de guerra afecta directa o indirectamente a todos los pueblos civilizados y pone en peligro los grandes principios de libertad y de justicia que constituyen el ideal de América y la norma de su política internacional (Conferencia Interamericana de Consolidación de la Paz, 1936);

d) El sistema de las consultas mutuas para buscar un procedimiento de cooperación pacifista, en caso de guerra o amenaza de guerra entre países americanos (Conferencia Interamericana de Consolidación de la Paz, 1936);

e) El reconocimiento de que todo

susceptible of disturbing the peace of America affects each and every one of the American nations and justifies the initiation of the procedure of consultation (Inter-American Conference for the Maintenance of Peace, 1936);

f) The adoption of conciliation, unrestricted arbitration, or the application of international justice, in the solution of any difference or dispute between American nations, whatever its nature or origin (Inter-American Conference for the Maintenance of Peace, 1936);

g) The recognition that respect for the personality, sovereignty and independence of each American State constitutes the essence of international order sustained by continental solidarity, which historically has been expressed and sustained by declarations and treaties in force (Eighth International Conference of American States, 1938);

h) The affirmation that respect for and the faithful observance of treaties constitute the indispensable rule for the development of peaceful relations between States, and that treaties can only be revised by agreement of the contracting parties (Declaration of American Principles, Eighth International Conference of American States, 1938);

i) The proclamation that, in case the peace, security or territorial integrity of any American republic is threatened by acts of any nature that may impair them, they proclaim their common concern and their determination to make effective their solidarity, coordinating their respective sovereign wills by means of the procedure of consultation, using the measures which in each case the circumstances may make advisable (Declaration of Lima, Eighth International Conference of American States, 1938);

j) The declaration that any attempt on the part of a non-American

acto susceptible de perturbar la paz de América afecta a todas las naciones americanas y a cada una de ellas y justifica la iniciación de los procedimientos de consulta (Conferencia Interamericana de Consolidación de la Paz, 1936);

f) La adopción de la vía de la conciliación, del arbitraje amplio, o de la justicia internacional, para resolver toda diferencia o disputa entre las naciones de América, cualesquiera que sean su naturaleza y su origen (Conferencia Interamericana de Consolidación de la Paz, 1936);

g) El reconocimiento de que el respeto de la personalidad, soberanía e independencia de cada Estado americano constituye la esencia del orden internacional, amparado por la solidaridad continental manifestada históricamente y sostenida por declaraciones y tratados vigentes (Octava Conferencia Internacional Americana, 1938);

h) La afirmación de que el respeto y la fiel observancia de los tratados constituyen norma indispensable para el desarrollo de las relaciones pacíficas entre los Estados y que ellos sólo podrán ser revisados mediante acuerdo de las partes (Declaración de Principios Americanos, Octava Conferencia Internacional Americana, 1938);

i) La proclamación de su interés común y de la determinación de hacer efectiva su solidaridad, coordinando sus respectivas voluntades mediante el procedimiento de consulta, y usando los medios que en cada caso aconsejen las circunstancias, en cualquier ocasión en que la paz, la seguridad o la integridad territorial de las Repúblicas americanas se vean amenazadas por actos de cualquier naturaleza que puedan menoscabarlas (Declaración de Lima, Octava Conferencia Internacional Americana, 1938);

j) La declaración de que todo atentado de un Estado no americano

state against the integrity or inviolability of the territory, the sovereignty or the political independence of an American State shall be considered as an act of aggression against all the American States (Declaration XV of the Second Meeting of the Ministers of Foreign Affairs, Habana, 1940);

The furtherance of these principles, which the American States have constantly practised in order to assure peace and solidarity among the nations of the Continent, constitutes an effective means of contributing to the general system of world security and of facilitating its establishment;

The security and solidarity of the Continent are affected to the same extent by an act of aggression against any of the American States by a non-American State, as by an act of aggression of an American State against one or more American States;

PART I

The Governments Represented at the Inter-American Conference on Problems of War and Peace

Declare:

1. That all sovereign States are juridically equal among themselves.

2. That every State has the right to the respect of its individuality and independence, on the part of the other members of the international community.

3. That every attack of a State against the integrity or the inviolability of the territory, or against the sovereignty or political independence of an American State, shall, conformably to Part III hereof, be considered as an act of aggression against the other States which sign this Act. In any case invasion by armed forces of one

contra la integridad territorial o la inviolabilidad del territorio, contra la soberanía o la independencia política de un Estado americano, será considerado como un acto de agresión contra todos los Estados americanos (Declaración XV de la Segunda Reunión de Consulta de los Ministros de Relaciones Exteriores, La Habana, 1940);

Que el perfeccionamiento de estas normas, practicadas constantemente por los Estados americanos para garantizar la paz y la solidaridad entre las Naciones del Hemisferio, es un medio eficaz de contribuir al sistema general de seguridad mundial y de facilitar su implantación;

Que la seguridad y solidaridad del Continente se afectan lo mismo cuando se produce un acto de agresión contra cualquiera de las naciones americanas por parte de un Estado no americano, como cuando el acto de agresión proviene de un Estado americano contra otro u otros Estados americanos,

PARTE I

Declaran:

1º.—Que todos los Estados soberanos son jurídicamente iguales entre sí.

2º.—Que todo Estado tiene derecho al respeto de su personalidad e independencia por parte de los demás miembros de la comunidad internacional.

3º.—Que todo atentado de un Estado contra la integridad o la inviolabilidad del territorio, o contra la soberanía o independencia política de un Estado americano, será, de acuerdo con la parte III de esta Acta, considerado como un acto de agresión contra los demás Estados que la firman. En todo caso, se considerará como un acto de agresión

State into the territory of another trespassing boundaries established by treaty and demarcated in accordance therewith shall constitute an act of aggression.

4. That in case acts of aggression occur or there are reasons to believe that an aggression is being prepared by any other State against the integrity or inviolability of the territory, or against the sovereignty or political independence of an American State, the States signatory to this Act will consult among themselves in order to agree upon the measures it may be advisable to take.

5. That during the war, and until the treaty recommended in Part II hereof is concluded, the signatories of this Act recognize that such threats and acts of aggression, as indicated in paragraphs 3 and 4 above, constitute an interference with the war effort of the United Nations, calling for such procedures, within the scope of their constitutional powers of a general nature and for war, as may be found necessary, including: recall of chiefs of diplomatic missions; breaking of diplomatic relations; breaking of consular relations; breaking of postal, telegraphic, telephonic, radio-telephonic relations; interruption of economic, commercial and financial relations; use of armed force to prevent or repel aggression.

6. That the principles and procedure contained in this Declaration shall become effective immediately, inasmuch as any act of aggression or threat of aggression during the present state of war interferes with the war effort of the United Nations to obtain victory. Henceforth, and to the end that the principles and procedures herein stipulated shall conform with the constitutional processes of each Republic, the respective Governments shall take

la invasión, por fuerzas armadas de un Estado, al territorio de otro, traspasando las fronteras establecidas por tratados y demarcadas de conformidad con ellos.

4º.—Que en el caso de que se ejecuten actos de agresión o de que haya razones para creer que se prepara una agresión por parte de un Estado cualquiera contra la integridad o la inviolabilidad del territorio, o contra la soberanía o la independencia política de un Estado americano, los Estados signatarios de la presente Acta se consultarán entre sí para concertar las medidas que convenga tomar.

5º.—Que durante la guerra, y hasta tanto se celebre el tratado que se recomienda en la Parte II de esta Acta, los signatarios de ella reconocen que tales amenazas y actos de agresión, definidos en los párrafos tercero y cuarto constituyen un obstáculo al esfuerzo bélico de las Naciones Unidas y exigen que se adopten, dentro del alcance de sus poderes constitucionales generales y de guerra, los procedimientos que se estimen necesarios, a saber: el retiro de los Jefes de Misión; la ruptura de las relaciones diplomáticas; la ruptura de las relaciones consulares; la ruptura de las relaciones postales, telegráficas, telefónicas y radiotelefónicas; la interrupción de las relaciones económicas, comerciales y financieras; el empleo de las fuerzas militares para evitar o repeler la agresión.

6º.—Que los principios y procedimientos contenidos en esta Declaración entrarán en vigor inmediatamente, por cuanto cualquier acto de agresión o amenaza de agresión durante el presente estado de guerra se opone al esfuerzo bélico de las Naciones Unidas para obtener la victoria; y que en el futuro y con el objeto de que los principios y procedimientos aquí estipulados se acomoden a las normas constitucionales de cada República, los Gobiernos

the necessary steps to perfect this instrument in order that it shall be in force at all times.

PART II

The Inter-American Conference on Problems of War and Peace

Recommends:

That for the purpose of meeting threats or acts of aggression against any American Republic following the establishment of peace, the Governments of the American Republics consider the conclusion, in accordance with their constitutional processes, of a treaty establishing procedures whereby such threats or acts may be met by the use, by all or some of the signatories of said treaty, of any one or more of the following measures: recall of chiefs of diplomatic missions; breaking of diplomatic relations; breaking of consular relations; breaking of postal, telegraphic, telephonic, radio-telephonic relations; interruption of economic, commercial and financial relations; use of armed force to prevent or repel aggression.

PART III

The above Declaration and Recommendation constitute a regional arrangement for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action in this Hemisphere. The said arrangement, and the pertinent activities and procedures, shall be consistent with the purposes and principles of the general international organization, when established.

This agreement shall be known as the "ACT OF CHAPULTEPEC."

respectivos tomarán las medidas necesarias para perfeccionar este instrumento con el fin de que esté en vigor en todo tiempo.

PARTE II

La Conferencia Interamericana sobre Problemas de la Guerra y de la Paz,

Recomienda:

Que, con el fin de hacer frente a las amenazas o actos de agresión que después del restablecimiento de la paz se presenten contra cualquiera de las Repúblicas americanas, los Gobiernos de estas Repúblicas deberán considerar de acuerdo con sus procedimientos constitucionales la celebración de un tratado que estipule las medidas encaminadas a conjurar tales amenazas o actos por medio del empleo, por todos o algunos de los signatarios de dicho tratado, de una o más de las siguientes medidas: el retiro de los Jefes de Misión Diplomática; la ruptura de las relaciones diplomáticas; la ruptura de las relaciones consulares; la ruptura de las relaciones postales, telegráficas, telefónicas y radiotelefónicas; la interrupción de las relaciones económicas, comerciales y financieras; el empleo de las fuerzas militares para evitar o repeler la agresión.

PARTE III

La Declaración y la Recomendación anteriores establecen un acuerdo regional para tratar asuntos concernientes al mantenimiento de la paz y la seguridad internacionales susceptibles de acción regional en este Hemisferio. Tal acuerdo y los actos y procedimientos pertinentes deberán ser compatibles con los principios y propósitos de la organización general internacional, cuando ella se establezca.

El presente acuerdo se conocerá con el nombre de "ACTA DE CHAPULTEPEC".

No. 648

ARRANGEMENTS concerning the Reorganization, Consolidation, and Strengthening of the Inter-American System. Signed at Mexico City, March 8, 1945.

CONVENIOS relativos a la reorganización, consolidación y fortalecimiento del sistema interamericano. Firmados en la Ciudad de México, 8 de marzo de 1945.

EDITOR'S NOTE. These Arrangements were embodied in Resolution IX adopted by the Inter-American Conference on Problems of War and Peace held at Mexico City, February 21–March 8, 1945, and included in its Final Act. The Charter envisaged in paragraph 9 was adopted by the Ninth Conference of American States held at Bogotá, March 30–April 30, 1948. U.S. Department of State, Publication 3263, International Organization and Conference Series II, American Republics 3, p. 166.

RATIFICATIONS. These Arrangements were not subject to ratification. The Final Act of the conference was signed by all American republics on March 8, 1945, with the exception of Argentina, which signed it on April 4, 1945.

BIBLIOGRAPHY. See the bibliography under No. 647, *ante*.

Entered into force March 8, 1945.

Text from *U.S. Treaties and Other International Acts Series*, No. 1548.

[Translation¹]

Whereas:

The inter-American system and the principles, instruments, agencies, and procedures that give it substance, constitute the living manifestation of the determination of the sovereign American Republics to act together for the fulfillment of their common purposes in the maintenance of peace and security and in the promotion of the well-being of their peoples;

The inter-American system is and has traditionally been inspired by a deep sense of universal cooperation;

The inter-American system, as an expression of the common ideals, the needs, and the will of the community of American Republics, should be further improved and strengthened for the purpose of

La Conferencia Interamericana sobre Problemas de la Guerra y de la Paz,

Considerando:

Que el sistema interamericano y los principios, instrumentos, organismos y procedimientos que le dan substancia constituyen la manifestación viva de la determinación de las Repúblicas soberanas de América de actuar unidas para el logro de sus propósitos comunes en el mantenimiento de la paz, la seguridad y el fomento del bienestar de sus pueblos;

Que el sistema interamericano se inspira y tradicionalmente se ha inspirado en un profundo sentimiento de cooperación universal;

Que el sistema interamericano, como expresión de los ideales, las necesidades y la voluntad comunes de la colectividad de Repúblicas americanas, debe mejorarse y fortalecerse aun más ahora para realizar

¹ Prepared by the Pan American Union.

adjusting and solving inter-American problems;

The inter-American system should, furthermore, maintain the closest relations with the proposed general international organization and assume the appropriate responsibilities in harmony with the principles and purposes of the general international organization,

The Inter-American Conference on Problems of War and Peace

Resolves:

1. That the International Conferences of American States shall meet ordinarily at four-year intervals and shall be the inter-American organ entrusted with the formulation of general inter-American policy and the determination of the structure and functions of inter-American instruments and agencies. The next Conference shall meet in Bogotá in 1946.

2. The regular Meetings of the Ministers of Foreign Affairs shall be held annually upon special call by the Governing Board of the Pan American Union, unless there should be held in the same year an International Conference of American States pursuant to the preceding article. The next regular Meeting of the Ministers of Foreign Affairs shall be held in 1947.

The Meetings shall be charged with taking decisions on problems of great urgency and importance concerning the inter-American system and with regard to situations and disputes of every kind which may disturb the peace of the American Republics.

If, under exceptional circumstances, a Minister of Foreign Affairs should be unable to attend, he may be represented by a special delegate.

3. The Governing Board of the Pan American Union shall be composed of one *ad hoc* delegate designated by each of the American Republics, which delegates shall

el ajuste y la solución de los problemas interamericanos;

Que el sistema interamericano debe, además, mantener las más amplias relaciones con el organismo internacional general propuesto y asumir las responsabilidades pertinentes en armonía con los principios y propósitos de dicho organismo internacional general,

Resuelve:

1º.—Las Conferencias Internacionales Americanas se celebrarán ordinariamente cada cuatro años y serán el órgano interamericano que se encargue de formular la política general interamericana y de determinar la estructura y las funciones de los instrumentos y organismos interamericanos. La próxima Conferencia se reunirá en Bogotá en 1946.

2º.—Las Reuniones Ordinarias de Consulta entre los Ministros de Relaciones Exteriores se celebrarán anualmente, previa convocatoria especial del Consejo de la Unión Panamericana, salvo el caso de que en el mismo año hubiere de celebrarse la Conferencia Internacional Americana prevista en el artículo anterior. La próxima reunión ordinaria de Ministros de Relaciones Exteriores se efectuará en 1947.

Corresponderá a las Reuniones de Consulta tomar decisiones concernientes a los problemas de mayor urgencia e importancia dentro del sistema interamericano y a las situaciones y disputas de todo género que puedan turbar la paz de las Repúblicas del Hemisferio.

Si excepcionalmente los Ministros de Relaciones Exteriores no pudieren concurrir, se harán representar por un Delegado especial.

3º.—El Consejo Directivo de la Unión Panamericana se compondrá de sendos Delegados *ad hoc*, designados por las Repúblicas americanas, los cuales tendrán categoría

have the rank of Ambassadors and shall enjoy the corresponding privileges and immunities, but shall not be part of the diplomatic mission accredited to the government of the country in which the Pan American Union has its seat. This provision shall take effect at the expiration of the present period of sessions of the existing Board.

4. In addition to its present functions the Governing Board of the Pan American Union

a) Shall take action, within the limitations imposed upon it by the International Conferences of American States or pursuant to the specific direction of the Meetings of Ministers of Foreign Affairs, on every matter that affects the effective functioning of the inter-American system and the solidarity and general welfare of the American Republics;

b) Shall call the regular Meetings of Ministers of Foreign Affairs provided for in Paragraph 1 of Article 2 hereof, and special meetings, when they are requested, to consider exclusively emergency questions. In the latter case the call shall be made upon the vote of an absolute majority of the Board;

c) Shall supervise the inter-American agencies which are or may become related to the Pan American Union, and shall receive and approve annual or special reports from these agencies.

5. The Chairman of the Governing Board of the Pan American Union shall be elected annually and shall not be eligible for re-election for the term immediately following.

The Governing Board of the Pan American Union shall meet at least once each week.

The seat of the Pan American Union and of the Governing Board shall continue to be in Washington.

de Embajadores y gozarán de los privilegios e inmunidades que como a tales les correspondan; pero no podrán formar parte de la misión diplomática acreditada ante el Gobierno en cuyo territorio se halle la sede de la Unión Panamericana. Esta norma regirá cuando termine el actual período de sesiones del presente Consejo.

4º.—Además de sus funciones actuales, el Consejo Directivo de la Unión Panamericana

a) Conocerá, dentro de los límites que le tracen las Conferencias Internacionales Americanas, o por encargo especial de las Reuniones de los Ministros de Relaciones Exteriores, de cualquier asunto que afecte al funcionamiento efectivo del sistema interamericano y a la solidaridad y bienestar general de las Repúblicas americanas;

b) Convocará a las Reuniones Ordinarias de Consulta entre los Ministros de Relaciones Exteriores, previstas en el inciso primero del Artículo 2, o a reuniones extraordinarias, cuando ellas sean solicitadas, para tratar exclusivamente cuestiones de emergencia. En este último caso, la convocatoria se determinará por mayoría absoluta de votos de los miembros del Consejo;

c) Supervisará los organismos interamericanos que estén relacionados con la Unión Panamericana, o que pasen a estar relacionados con ella, y recibirá y aprobará los informes anuales o especiales de esos organismos.

5º.—La Presidencia del Consejo Directivo de la Unión Panamericana se designará por elecciones anuales y el Presidente no podrá ser reelecto para el período inmediato.

El Consejo Directivo de la Unión Panamericana se reunirá cuando menos una vez por semana.

La sede de la Unión Panamericana y del Consejo Directivo continuará en Washington.

The Director General of the Pan American Union shall be chosen by the Governing Board for a term of ten years; he shall not be eligible for re-election, nor can he be succeeded by a person of the same nationality.

In the event of a vacancy in the office of Director General of the Pan American Union, a successor shall be appointed who shall hold office until the end of the term and who may be re-elected if the vacancy occurs during the second half of the term.

The first term shall begin on January 1, 1955.

The appointment and replacement of the Assistant Director shall be made in accordance with the above rules, except that the first term shall begin on January 1, 1960.

It is understood that the Governing Board may at any time, by vote of fifteen of its members, remove the Director General or the Assistant Director, on grounds relating to the efficiency of the organization.

6. Until the Ninth International Conference of American States, in accordance with the procedure provided hereinafter, creates or confirms the various agencies of the inter-American system, the following agencies created by the Meetings of Ministers of Foreign Affairs shall continue to function: The Inter-American Juridical Committee, the Emergency Advisory Committee for Political Defense, and the Inter-American Defense Board.

7. In place of the emergency agency now functioning as the Inter-American Financial and Economic Advisory Committee, there is hereby created a permanent Inter-American Economic and Social Council—subsidiary to the Governing Board of the Pan American Union—the members of which shall be designated by the respective Governments, and which shall be empowered:

El Director de la Unión Panamericana será designado por el Consejo para un período de diez años; no podrá ser reelecto ni ser sucedido por una persona de su misma nacionalidad.

Cuando se produzca vacante en el cargo de Director de la Unión Panamericana, se elegirá libremente su reemplazo hasta el término del período, y dicho reemplazo podrá ser reelecto si la vacante se hubiere producido en la segunda mitad del período.

El primer período comenzará a contarse desde el 1º. de enero de 1955.

La designación y reemplazo del Subdirector se regirá por las mismas normas anteriores, pero el primer período comenzará a contarse desde el 1º. de enero de 1960.

Queda entendido que en cualquier tiempo el Consejo Directivo podrá, con el voto de 15 de sus miembros, acordar la remoción del Director o del Subdirector por razones relacionadas con la eficacia del organismo.

6º.—Mientras la Novena Conferencia Internacional Americana, de acuerdo con el procedimiento que se establece adelante, crea o confirma los diversos organismos del sistema americano, continuarán en sus funciones los siguientes organismos creados por las Reuniones de Consulta entre los Ministros de Relaciones Exteriores: el Comité Jurídico Interamericano, el Comité Consultivo de Emergencia para la Defensa Política y la Junta Interamericana de Defensa.

7º.—En sustitución del organismo de emergencia que actualmente funciona con el nombre de Comité Consultivo Económico-Financiero Interamericano, créase un Consejo Interamericano Económico y Social, de carácter permanente que dependerá del Consejo Directivo de la Unión Panamericana, los miembros del cual serán designados por los respectivos Gobiernos y que tendrá facultades para:

a) To carry out recommendations of the International Conferences of American States;

b) To serve as the coordinating agency for all official inter-American economic and social activities;

c) To promote social progress and the raising of the standard of living for all the American peoples;

d) To undertake studies and other activities upon its own initiative or upon the request of any American government;

e) To collect and prepare reports on economic and social matters for the use of the American Republics;

f) To maintain liaison with the corresponding agency of the general international organization when established, and with existing or projected international economic and social agencies.

The Governing Board of the Pan American Union is authorized to organize provisionally the Inter-American Economic and Social Council. The permanent organization shall be established by the Ninth International Conference of American States.

8. The Division of Intellectual Cooperation of the Pan American Union shall be maintained for the purpose of strengthening by all means at its command the spiritual bonds between the American nations.

9. The Governing Board of the Pan American Union, availing itself of all Pan American agencies that it deems appropriate, is charged with preparing, beginning May 1, 1945, a draft charter for the improvement and strengthening of the Pan American system. The Governing Board shall submit the draft to the Governments of the Continent prior to December 31, 1945.

The draft charter shall first of all proclaim:

a) Procurar el cumplimiento de las recomendaciones de las Conferencias Internacionales Americanas;

b) Actuar como organismo coordinador de todas las actividades oficiales interamericanas de carácter económico y social;

c) Promover el progreso social y la elevación del nivel de vida para todos los pueblos americanos;

d) Empezar estudios y otras actividades por iniciativa propia o a petición de cualquier gobierno americano;

e) Recabar y preparar informes sobre asuntos económicos y sociales para uso de las Repúblicas americanas;

f) Mantener contacto con la entidad correspondiente del organismo internacional, cuando se establezca, y con los organismos internacionales de carácter económico y social existentes o proyectados.

El Consejo Directivo de la Unión Panamericana tendrá facultad para organizar provisionalmente el Consejo Interamericano Económico y Social. La organización definitiva corresponderá a la Novena Conferencia Internacional Americana.

8º.—Será mantenida la Oficina de Cooperación Intelectual con el objeto de intensificar, por todos los medios a su alcance, las relaciones espirituales entre los países americanos.

9º.—Se encarga al Consejo Directivo de la Unión Panamericana de preparar, a partir del 1º de mayo de 1945 y asesorándose de todos aquellos organismos panamericanos que estime convenientes, un anteproyecto de pacto constitutivo destinado a mejorar y fortalecer el sistema panamericano. El Consejo Directivo deberá someter a todos los Gobiernos del Continente dicho anteproyecto antes del 31 de diciembre de 1945.

El anteproyecto de Pacto proclamará en primer término:

The recognition, by all the American Republics, of international law as the effective rule of their conduct and the pledge of those Governments to observe the standards enunciated in a "Declaration of the Rights and Duties of States" and a "Declaration of the International Rights and Duties of Man"; these shall serve as the definition of the fundamental principles of international law and shall appear as an annex to the charter, so that, without amending it, the Declarations may be revised from time to time to adapt them to the requirements and aspirations of international life.

For the preparation of the first Declaration, the principles already incorporated into the juridical heritage of the inter-American system shall be coordinated, especially those contained in the "Convention on the Rights and Duties of States" approved at the Seventh International Conference of American States; in the "Declaration of Principles of Inter-American Solidarity and Cooperation" adopted at the Inter-American Conference for the Maintenance of Peace; in the "Declaration of the Principles of the Solidarity of America," and the "Declaration of American Principles" adopted at the Eighth International Conference of American States; in the "Declaration on the Maintenance of International Activities in Accordance with Christian Morality" and the declaration relative to "Reciprocal Assistance and Cooperation for the Defense of the Nations of the Americas," approved at the First and Second Meetings of Ministers of Foreign Affairs, respectively; and in the Declarations on "Continental Solidarity in Observance of Treaties" and "The Good Neighbor Policy," adopted at the Third Meeting of Ministers of Foreign Affairs. The draft declaration on "Reaffirma-

El reconocimiento, por parte de todas las Repúblicas americanas, del Derecho Internacional como regla efectiva de su conducta y el compromiso de las mismas de observar las normas enunciadas en una "Declaración de Derechos y Deberes de los Estados" y en una "Declaración de Derechos y Deberes Internacionales del Hombre", que sirvan para precisar los principios fundamentales del Derecho Internacional y que deberán figurar como anexos al Pacto, a fin de que, sin necesidad de modificar éste, puedan ser revisadas de tiempo en tiempo con objeto de que correspondan a las necesidades y aspiraciones de la convivencia internacional.

Para la elaboración de la primera Declaración, deberán coordinarse los principios ya incorporados al patrimonio jurídico del sistema interamericano, especialmente los contenidos en la "Convención sobre Derechos y Deberes de los Estados", aprobada en la Séptima Conferencia Internacional Americana; en la "Declaración de Principios sobre Solidaridad y Cooperación Interamericanas", adoptada en la Conferencia Interamericana de Consolidación de la Paz; en la "Declaración de los Principios de Solidaridad de América" y la "Declaración de Principios Americanos", frutos de la Octava Conferencia Internacional Americana; en la "Declaración sobre Mantenimiento de las Actividades Internacionales dentro de la Moral Cristiana" y la Declaración relativa a "Asistencia Recíproca y Cooperación Defensiva de las Naciones Americanas", sancionadas respectivamente en la Primera y Segunda Reuniones de Consulta; y en las Declaraciones acerca de "Solidaridad Continental en la Observancia de los Tratados Internacionales" y "Política del Buen Vecino", y que adoptó la Tercera Reunión de Consulta. Se tomará también en cuenta el proyecto de

tion of Fundamental Principles of International Law" prepared by the Inter-American Juridical Committee, and any Declaration of Principles that may be adopted by this Conference, shall also be taken into account.

In regard to the second Declaration mentioned above, the text shall be that formulated by the Inter-American Juridical Committee in fulfillment of the request contained in another resolution of the present Conference.

It is the desire of the Inter-American Conference on Problems of War and Peace that there shall be taken into account the Inter-American Commission of Women, which for sixteen years has rendered eminent services to the cause of America and humanity, and that it be included among the organizations which form the Pan American Union, with the same prerogatives and position that have been accorded to other inter-American institutions of a permanent or emergency character that have functioned within or without the Pan American Union.

10. The draft charter shall provide for the strengthening of the inter-American system on the bases of this resolution and by the creation of new agencies or the elimination or adaptation of existing agencies, specifying and coordinating their functions as among themselves and with the world organization.

The draft shall take into account the need of accelerating the consolidation and extension of existing inter-American peace instruments and the simplification and improvement of the inter-American peace structure, and to this end the Governing Board of the Pan American Union shall utilize the services of the Inter-American Juridical Committee. In addition, the draft shall provide for the consolidation and simplification of all other inter-American instruments so that they may be more effective.

"Reafirmación de Principios Fundamentales de Derecho Internacional", preparado por el Comité Jurídico Interamericano y cualquiera Declaración de Principios que pudiera adoptar esta Conferencia.

En cuanto a la segunda Declaración antes mencionada, el texto será el que, en cumplimiento de la misión que se le confía en otra resolución de la presente Conferencia, formulará el Comité Jurídico Interamericano.

Es el deseo de la Conferencia Interamericana sobre Problemas de la Guerra y de la Paz que se tome en cuenta la Comisión Interamericana de Mujeres, que por 16 años ha prestado eminentes servicios a la causa americana y a la humanidad y que se la incluya entre las instituciones que integran la Unión Panamericana, con las mismas prerrogativas e igual tratamiento de que gozan las otras instituciones interamericanas que han trabajado dentro y fuera de la Unión Panamericana con carácter permanente o de emergencia.

10º.—El anteproyecto de Pacto deberá proveer al fortalecimiento del sistema americano sobre las bases de esta resolución y con la creación de nuevos órganos o la eliminación y adaptación de los actuales, precisando sus funciones y su coordinación entre sí y con la organización mundial.

El mismo anteproyecto atenderá a la necesidad de acelerar la consolidación y extensión de los instrumentos interamericanos de paz ya existentes y a la simplificación y mejoramiento del organismo de paz interamericano; a este fin, el Consejo Directivo de la Unión Panamericana deberá utilizar los servicios del Comité Jurídico Interamericano. Asimismo, el anteproyecto procurará la consolidación y simplificación de todos los demás instrumentos interamericanos, con el propósito de que su acción sea más efectiva.

11. The American Governments shall send to the Governing Board of the Pan American Union prior to September 1, 1945, all their proposals relating to the preceding articles.

12. The draft charter shall also provide for the establishment of an equitable system for the financial support of the Pan American Union and of all its related agencies.

11°.—Los Gobiernos americanos enviarán al Consejo Directivo de la Unión Panamericana, antes del 1° de septiembre de 1945, todas las iniciativas que se relacionen con los artículos anteriores.

12°.—El anteproyecto contendrá asimismo el establecimiento de un sistema equitativo de financiación para el sostenimiento de la Unión Panamericana y de todos los organismos conexos.

No. 649

AGREEMENT for Economic Consultation. Signed at Paris, March 20, 1945.

ACCORD de consultation économique. Signé à Paris, 20 mars 1945.

EDITOR'S NOTE. Closer economic collaboration between countries of Western Europe was inaugurated by Belgium, Luxemburg, and the Netherlands in their agreements of October 21, 1943 and September 5, 1944 (Nos. 627, 635, *ante*). A treaty of economic, social, and cultural cooperation and collective self-defense was signed at Brussels on March 17, 1948, by the four parties to this Agreement and Great Britain. *British Treaty Series*, No. 1 (1949), Cmd. 7599. The parties to this Agreement also joined with twelve other European states in the convention for European economic cooperation, signed at Paris, April 16, 1948. *Br. Parl. Papers*, Misc. No. 4 (1948), Cmd. 7388.

RATIFICATIONS. On October 11, 1945, ratifications had been deposited at Paris by all of the signatory states.

BIBLIOGRAPHY. The text of this Agreement is also published in 115 *Moniteur belge* (1945), p. 8266; Belgium, *Bulletin usuel des lois et arrêtés*, 1945, p. 794; *Bulletin législatif belge*, 1945, p. 1152; 77 France, *Journal officiel* (1945), p. 8041.

Anon., "Economic Consultations Agreement with France," 12 *Netherlands News* (1945), p. 34; M. Suetens, "La coopération économique entre la Belgique, le Luxembourg, les Pays-Bas et la France," 60 *Bulletin commercial belge* (1946), pp. 3-11.

Entered into force October 11, 1945.¹

Text and translation from 2 *U.N. Treaty Series*, p. 299.

[Translation]

The Government of Her Majesty the Queen of the Netherlands, the Provisional Government of the French Republic, the Government of His Majesty the King of the Belgians and the Government of Her Royal Highness the Grand Duchess of Luxembourg,

Le Gouvernement de Sa Majesté la Reine des Pays-Bas, le Gouvernement Provisoire de la République Française, le Gouvernement de Sa Majesté le Roi des Belges et le Gouvernement de Son Altesse Royale la Grande-Duchesse de Luxembourg,

¹ Filed with the Secretariat of the United Nations, No. 22, April 25, 1947.

being desirous of solving in a spirit of international co-operation the problems of recovery and reconstruction in their territories which have suffered enemy occupation,

anxious to maintain their co-operation in the future and hoping thereby to contribute to economic development throughout the world,

have decided to conclude an agreement for economic consultation to this end and have appointed as their Plenipotentiaries:¹

The Government of Her Majesty the Queen of the Netherlands: Mr. Boissevain,

The Provisional Government of the French Republic: Georges Bidault,

The Government of His Majesty the King of the Belgians: Baron Guillaume,

The Government of Her Royal Highness the Grand Duchess of Luxembourg: Mr. Funk,

who, having exchanged their full powers, found in good and due form, have agreed as follows:

Article 1. The High Contracting Parties shall consult together with a view to affording each other mutual aid and conciliating their interests in the following domains:

(a) Supply of foodstuffs and provision of essential goods;

(b) Reciprocal provision of the raw materials and equipment essential to the recovery of agriculture and industrial production;

(c) Harmonization of existing production, taking into account the traditional flow of trade between the four countries;

(d) Creation of new industries;

(e) Co-ordination of transport and particularly of port facilities.

désireux de résoudre dans un esprit de coopération internationale les problèmes de restauration et de reconstruction qui se posent dans leurs territoires victimes de l'occupation ennemie,

soucieux de maintenir leur coopération dans l'avenir et souhaitant contribuer ainsi au développement de l'activité économique dans le monde,

ont résolu de conclure un accord de consultation économique à cet effet et ont désigné pour leurs Plénipotentiaires, savoir:¹

Le Gouvernement de Sa Majesté la Reine des Pays-Bas: M. Boissevain,

Le Gouvernement Provisoire de la République Française: Georges Bidault,

Le Gouvernement de Sa Majesté le Roi des Belges: le Baron Guillaume,

Le Gouvernement de Son Altesse Royale la Grande-Duchesse de Luxembourg: M. Funk,

lesquels, après avoir échangé leurs pleins pouvoirs reconnus en bonne et due forme, sont convenus des dispositions suivantes:

Article 1. Les Hautes Parties Contractantes se concerteront en vue de se prêter une aide réciproque et de concilier leurs intérêts dans les domaines suivants:

a) Ravitaillement en denrées alimentaires et fournitures d'objets de première nécessité;

b) Livraison mutuelle de matières premières et d'outillage indispensables à la remise en état de la production agricole et industrielle;

c) Harmonisation des productions existantes, compte tenu des courants commerciaux traditionnels entre les quatre pays;

d) Création d'industries nouvelles;

e) Coordination des transports et particulièrement des activités portuaires.

¹ The titles of plenipotentiaries are omitted.—Ed.

The four Governments aim at making the best use of the common resources available, and to promote, in so far as each is concerned, the progressive recovery of international trade.

Art. 2. A Council for Economic Co-operation shall be set up for the purpose of studying the problems referred to in Article 1 of the present agreement and of proposing solutions to the four Governments concerned.

The Council shall consider the possibilities of co-ordinating the policy of the four Governments with regard to fixing and controlling prices, social security and "full employment", fiscal control, customs duties and quotas.

Art. 3. The Council shall consist of three delegations representing respectively the Governments of the Belgo-Luxembourg Economic Union, the Netherlands and the French Republic.

Art. 4. The Council shall meet once a month.

The three delegations shall agree to appoint Tripartite Commissions of experts to assist the Council in all matters within its competence.

There shall be a permanent Secretariat responsible for providing a constant liaison between the signatory Governments, the Council for Economic Co-operation and the Tripartite Commission. One of its essential tasks shall be to assemble the documentation required for the work of the Council.

Art. 5. The present agreement shall enter into force after ratification by the four Governments and the instruments of ratification shall be exchanged at Paris as soon as possible.

The agreement may be denounced at any time by any one of the High Contracting Parties by giving three months' previous notice.

Les quatre Gouvernements ont en vue d'utiliser au mieux les ressources communes disponibles et de favoriser, chacun en ce qui le concerne, la reprise progressive du commerce international.

Art. 2. Il sera constitué un Conseil de Coopération Economique ayant pour mission d'étudier les problèmes visés à l'article 1 du présent accord et de proposer des solutions aux quatre Gouvernements intéressés.

Le Conseil étudiera les possibilités de coordonner la politique des quatre Gouvernements en matière d'établissement et de contrôle des prix, de sécurité sociale et de "plein emploi" de la main-d'œuvre, de contrôle fiscal, de tarifs douaniers et de contingentements.

Art. 3. Le Conseil comprendra trois Délégations représentant respectivement les Gouvernements de l'Union Economique belgo-luxembourgeoise, des Pays-Bas et de la République Française.

Art. 4. Les sessions du Conseil auront lieu une fois par mois.

Les trois Délégations s'entendront pour désigner des Commissions Tripartites d'experts, chargées d'assister le Conseil pour toutes questions relevant de sa compétence.

Un Secrétariat permanent sera chargé d'assurer une liaison constante entre les Gouvernements signataires, le Conseil de Coopération Economique et les Commissions Tripartites. Une de ses tâches essentielles sera de réunir la documentation nécessaire aux travaux du Conseil.

Art. 5. Le présent accord entrera en vigueur après ratification par les quatre Gouvernements et les instruments de ratification en seront échangés à Paris aussitôt que faire se pourra.

Il pourra être dénoncé à tout moment par l'une des Hautes Parties Contractantes moyennant un préavis de trois mois.

IN WITNESS WHEREOF the above-named Plenipotentiaries have signed the present agreement and have affixed thereto their seals.

Done in quadruplicate at Paris, 20 March 1945.

EN FOI DE QUOI les Plénipotentiaires ci-dessus désignés ont signé le présent accord et ont apposé leurs sceaux.

Fait à Paris, en quatre exemplaires, le 20 mars 1945.

G. W. BOISSEVAIN

BIDAULT

GUILLAUME

ANT. FUNK

No. 650

PACT of the Arab League. Signed at Cairo, March 22, 1945.

PACTE de la Ligue des Etats Arabes. Signé au Caire, 22 mars 1945.

EDITOR'S NOTE. This Pact was signed at a conference of the Arab states, held at Cairo, February 15–March 3, and March 17–March 22, 1945. A preparatory conference had been held at Cairo, September 25–October 7, 1944; for the text of the protocol then adopted, see 16 *U.S. Department of State Bulletin* (1947), p. 966; 1 *Revue égyptienne de droit international* (1945), Docs., pp. 1–12. The first meeting of the Council of the League was held at Cairo in June 1945. For the internal regulations of the Council, see 2 *idem* (1946), p. 61 (in Arabic), and 3 *idem* (1947), p. 249 (in French); for the internal regulations of the Secretariat-General and of the commissions, and the staff regulations, see 2 *idem* (1946), pp. 66, 69, 71 (in Arabic). A cultural treaty of the Arab League was approved by the Council on November 20, 1946 (No. 650a, *post*).

RATIFICATIONS. The Pact was ratified by all of the states mentioned in the preamble. "Palestine" was admitted as a member on December 12, 1945.

BIBLIOGRAPHY. The text and English and French translations of this Pact are also published in 1 *Revue égyptienne de droit international* (1945), Docs., pp. 13–38. Translations are also published in 12 *Documents of the United Nations Conference on International Organization, San Francisco, 1945*, pp. 745–62; 16 *U.S. Department of State Bulletin* (1947), p. 967; 35 *Gazette des Tribunaux Mixtes d'Égypte* (1945), No. 416, p. 164; 24 *Journal des Tribunaux Mixtes d'Égypte*, May 14–15, 1945, p. 4; 39 *Am. Jour. Int. Law* (Supp., 1945), p. 266; H. M. Davis, *Constitutions, Electoral Laws, Treaties of the States in the Near and Middle East* (Durham, N. C., 1947), pp. 436–42; 50 *Rev. gén. de dr. int. pub.* (1946), p. 381.

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pp. 756-77; ———, "Towards an Arab Union: The League of Arab States," 40 *Am. Pol. Sci. Rev.* (1946), pp. 90-100; J. Malabard, "La chimère de l'Union Arabe," 1 *Res Publica* (1946), No. 7, pp. 22-33; V. McKay, "The Arab League in World Politics," 22 *Foreign Policy Reports* (1946), pp. 206-15; R. Montagne, "L'Union Arabe," 11 *Politique étrangère* (1946) pp. 179-215; M. Mouskheli, "La Ligue des Etats Arabes," 50 *Rev. gén. de dr. int. pub.* (1946), pp. 112-58; A. Quintano Ripollés, "Exégesis político-jurídica del Pacto de la Liga Arabe," 52 *Rev. de der. int.* (1947), pp. 222-36.

Entered into force May 10, 1945.

Translations supplied by the Arab Office (Washington) and the Royal Egyptian Legation at Washington.

[Translation]

His Excellency the President of the Syrian Republic; His Royal Highness the Amir of Transjordan; His Majesty the King of Iraq; His Majesty the King of Saudi Arabia; His Excellency the President of the Lebanese Republic; His Majesty the King of Egypt; His Majesty the King of Yemen;

Désireux of strengthening the close relations and numerous ties which link the Arab states;

And anxious to support and stabilize these ties upon a basis of respect for the independence and sovereignty of these states, and to direct their efforts towards the common good of all the Arab countries, the improvement of their status, the security of their future, the realization of their aspirations and hopes;

And responding to the wishes of Arab public opinion in all Arab lands;

Have agreed to conclude a Pact to that end and have appointed as their representatives the persons whose names are listed hereinafter;¹

The President of the Syrian Republic; who has appointed as representatives for Syria: Faris al-Khuri, Jamil Mardam Bey.

His Royal Highness the Amir of Transjordan; who has appointed as representatives for Transjordan: Samir al-Rafa'i Pasha, Sa'id al-Mufti Pasha, Sulayman al-Nabulusi Bey.

[Traduction]

Le Président de la République Syrienne; Son Altesse Royale le Prince de Transjordanie; Sa Majesté le Roi d'Irak; Sa Majesté le Roi de l'Arabie Séoudite; le Président de la République Libanaise; Sa Majesté le Roi d'Égypte; Sa Majesté le Roi du Yémen;

Désireux de resserrer les liens étroits qui lient les Etats Arabes;

Soucieux de cimenter et de renforcer ces liens sur la base du respect de l'indépendance et de la souveraineté de ces Etats, d'orienter leurs efforts vers le bien commun de tous les pays arabes, l'amélioration de leur sort, la garantie de leur avenir, la réalisation de leurs aspirations;

Et répondant aux vœux de l'opinion publique arabe dans tous les pays arabes;

Ont décidé de conclure un Pacte à cet effet et ont nommé pour leurs plénipotentiaires, savoir:¹

Le Président de la République Syrienne: Farès El Khoury, Djamil Mardem Bey.

Son Altesse Royale le Prince de Transjordanie: Samir El Rifaï Pacha, Saïd El Moufti Pacha, Soliman El Naboulsi Bey.

¹ The titles of representatives are omitted.—ED.

His Majesty the King of Iraq; who has appointed as representatives for Iraq: Arshad al-'Umari, Ali Jawdate al-Ayyubi, Tahsin al-'Askari.

His Majesty the King of Saudi Arabia; who has appointed as representatives for Saudi Arabia: Sheikh Yusuf Yasin, Khayr-al-din al-Zirikli.

His Excellency the President of the Lebanese Republic; who has appointed as representatives for Lebanon: 'Abd-al-Hamid Karami, Yusuf Salim.

His Majesty the King of Egypt; who has appointed as representatives for Egypt: Mahmud Fahmi al-Nukrashi Pasha, Muhammad Husayn Haykal Pasha, 'Abd-al-Hamid Badawi Pasha, Makram 'Ubayd Pasha, Muhammad Hafiz Ramadan Pasha, 'Abd-al-Razzaq Ahmad al-Sanhuri Bey, Abd-al-Rahman 'Azam Bey.

His Majesty the King of the Yemen; who has appointed as representative for the Yemen: Sayyid Husayn al-Kibsi.

Who, after having exchanged their plenary powers which were found to be in good and due form, have agreed upon the following provisions:

Article 1. The League of the Arab States* is composed of the independent Arab States which have signed this pact.

Any independent Arab State has the right to become a member of the League. If it desires to do so, it shall submit a request which will be deposited with the permanent Secretariat-General and submitted to the Council at the first meeting held after submission of the request.

Art. 2. The League has as its purpose the strengthening of the relations between the member states; the coordination of their policies in order to achieve cooperation between them and to safeguard their independence and sovereignty; and a

Sa Majesté le Roi d'Irak: Archad El Omary, Aly Gawdat El Ayoubi, Tahsin El Askari.

Sa Majesté le Roi de l'Arabie Séoudite: El Cheikh Youssef Yassine, Khaïry Eddine El Zerekly.

Le Président de la République Libanaise: Abdel-Hamid Kéramé, Youssef Salem.

Sa Majesté le Roi d'Egypte: Mahmoud Fahmy El Nokrachy Pacha, Abdel Hamid Badawi Pacha, Mohamed Hussein Heykal Pacha, Makram Ebeid Pacha, Mohamed Hafez Ramadan Pacha, Abdel Razzak Ahmed El Sanhoury Bey, Abdel Rahman Azzam Bey.

Sa Majesté le Roi du Yémen: [Sayed Husain El Kabsi.]

lesquels, après avoir échangé leurs pleins pouvoirs reconnus en bonne et due forme, sont convenus des dispositions suivantes:

Article 1. La Ligue des Etats Arabes se compose des Etats Arabes indépendants qui ont signé le présent Pacte.

Tout Etat Arabe indépendant peut devenir membre de la Ligue. Il devra, à cet effet, présenter une demande qui sera déposée au Secrétariat Général et soumise au Conseil à la première réunion tenue après la présentation de la demande.

Art. 2. La Ligue a pour objet le resserrement des rapports entre Etats membres et la coordination de leur action politique en vue de réaliser une collaboration étroite entre eux, de sauvegarder leur indépendance et leur souveraineté et de s'intéresser,

* Arabic: Jami' at al-Duwal al-'Arabiyyah

general concern with the affairs and interests of the Arab countries. It has also as its purpose the close cooperation of the member states, with due regard to the organization and circumstances of each state, on the following matters:

(a) Economic and financial affairs, including commercial relations, customs, currency, and questions of agriculture and industry.

(b) Communications: this includes railroads, roads, aviation, navigation, telegraphs, and posts.

(c) Cultural affairs.

(d) Nationality, passports, visas, execution of judgments, and extradition of criminals.

(e) Social affairs.

(f) Health problems.

Art. 3. The League shall possess a Council† composed of the representatives of the member states of the League; each state shall have a single vote, irrespective of the number of its representatives.

It shall be the task of the Council to achieve the realization of the objectives of the League and to supervise the execution of agreements which the member states have concluded on the questions enumerated in the preceding article, or on any other questions.

It likewise shall be the Council's task to decide upon the means by which the League is to cooperate with the international bodies to be created in the future in order to guarantee security and peace and regulate economic and social relations.

Art. 4. For each of the questions listed in Article 2 there shall be set up a special committee in which the member states of the League shall

d'une manière générale, aux questions touchant les Pays Arabes et leurs intérêts.

Elle a également pour objet d'assurer, dans le cadre du régime et des conditions de chaque Etat, une coopération étroite entre les Etats membres dans les questions suivantes:

(a) Les questions économiques et financières y compris les échanges commerciaux, les questions douanières, monétaires, agricoles et industrielles;

(b) Les communications y compris les questions relatives aux Chemins de fer, aux routes, à l'aviation, à la navigation et aux Postes et Télégraphes;

(c) Les questions intellectuelles;

(d) Les questions de nationalité, passeports, visas et exécution de jugements et d'extradition;

(e) Les questions sociales;

(f) Les questions sanitaires.

Art. 3. La Ligue a un conseil composé des représentants des Etats membres; chaque Etat a une seule voix quel que soit le nombre de ses représentants.

Le Conseil a pour mission de réaliser les objets de la Ligue et de veiller à l'exécution des conventions que les membres auraient conclues entre eux sur les questions visées à l'article précédent ou dans tout autre domaine.

Il a également pour mission d'arrêter les moyens par lesquels la Ligue collaborera avec les organisations internationales qui seront créées dans l'avenir pour assurer la paix et la sécurité et régler les questions économiques et sociales.

Art. 4. Il sera constitué pour chacune des catégories de questions énumérées dans l'article 2 une commission spéciale où seront repré-

be represented. These committees shall be charged with the task of laying down the principles and extent of cooperation. Such principles shall be formulated as draft agreements, to be presented to the Council for examination preparatory to their submission to the aforesaid states.

Representatives of the other Arab countries may take part in the work of the aforesaid committees. The Council shall determine the conditions under which these representatives may be permitted to participate and the rules governing such representation.

Art. 5. Any resort to force in order to resolve disputes arising between two or more member states of the League is prohibited. If there should arise among them a difference which does not concern a state's independence, sovereignty, or territorial integrity, and if the parties to the dispute have recourse to the Council for the settlement of the difference, the decision of the Council shall then be enforceable and obligatory.

In such a case, the states between whom the difference has arisen shall not participate in the deliberations and decisions of the Council.

The Council may lend its good offices for the settlement of all differences which threaten to lead to war between two member states, or a member state and a third state, with a view to bringing about their reconciliation.

Decisions of arbitration and mediation shall be taken by majority vote.

Art. 6. In case of aggression or threat of aggression by one state against a member state, the state which has been attacked or threatened with aggression may demand the immediate convocation of the Council.

The Council shall by unanimous decision determine the measures

sentés les Etats membres de la Ligue. Ces commissions seront chargées d'établir les règles et de déterminer l'étendue de la collaboration entre les Etats membres et ce, sous forme de projets de conventions qui seront examinés par le Conseil en vue d'être soumis à l'approbation des Etats membres.

Pourront prendre part aux travaux des commissions susdites des membres représentant les autres Pays Arabes. Le Conseil déterminera les conditions dans lesquelles la participation de ces représentants pourra être admise et les bases de la représentation.

Art. 5. Il est interdit de recourir à la force pour le règlement des conflits pouvant surgir entre des Etats membres de la Ligue. S'il s'élève entre eux un différend ne touchant pas à l'indépendance, à la souveraineté ou à l'intégrité territoriale des Etats et que les parties litigantes recourent au Conseil pour le règlement de ce différend, la décision du Conseil sera obligatoire et exécutoire.

En pareil cas, les Etats entre lesquels le différend a surgi ne participeront pas aux délibérations et aux décisions du Conseil.

Le Conseil prêtera ses bons offices dans tout différend susceptible d'entraîner la guerre entre deux Etats membres ou entre un Etat membre et un Etat tiers.

Les décisions d'arbitrage et de conciliation seront prises à la majorité des voix.

Art. 6. En cas d'agression ou de menace d'agression contre un Etat membre, l'Etat agressé ou menacé d'agression pourra demander la réunion immédiate du Conseil.

Le Conseil arrêtera, à l'unanimité, les mesures nécessaires pour re-

necessary to repulse the aggression. If the aggressor is a member state, his vote shall not be counted in determining unanimity.

If, as a result of the attack, the government of the state attacked finds itself unable to communicate with the Council, that state's representative in the Council shall have the right to request the convocation of the Council for the purpose indicated in the foregoing paragraph. In the event that this representative is unable to communicate with the Council, any member state of the League shall have the right to request the convocation of the Council.

Art. 7. Unanimous decisions of the Council shall be binding upon all member states of the League; majority decisions shall be binding only upon those states which have accepted them.

In either case the decisions of the Council shall be enforced in each member state according to its respective fundamental laws.

Art. 8. Each member state shall respect the systems of government established in the other member states and regard them as exclusive concerns of those states. Each shall pledge to abstain from any action calculated to change established systems of government.

Art. 9. States of the League which desire to establish closer co-operation and stronger bonds than are provided by this Pact may conclude agreements to that end.

Treaties and agreements already concluded or to be concluded in the future between a member state and another State shall not be binding or restrictive upon other members.

Art. 10. The permanent seat of the League of Arab States is established in Cairo. The Council may, however, assemble at any other place it may designate.

Art. 11. The Council of the League shall convene in ordinary

pousser l'agression. Si l'agression provient d'un Etat membre, il ne sera pas tenu compte de son vote dans le calcul de l'unanimité.

Si le Gouvernement de l'Etat agressé se trouve par suite de l'agression dans l'impossibilité de communiquer avec le Conseil, il appartiendra au représentant de cet Etat dans le Conseil de demander sa réunion dans le but visé à l'alinéa précédent. Dans le cas où le dit représentant n'est pas en mesure de communiquer avec le Conseil, il appartiendra à tout Etat membre de demander la convocation du Conseil.

Art. 7. Les décisions du Conseil prises à l'unanimité obligent tous les Etats membres de la Ligue; celles qui sont prises à la majorité n'obligent que les Etats qui les acceptent.

Dans les deux cas, l'exécution des décisions du Conseil dans chaque Etat membre interviendra conformément à ses dispositions organiques.

Art. 8. Tout Etat membre s'engage à respecter le régime de Gouvernement établi dans les autres Etats membres en le considérant comme un droit exclusif de chaque Etat.

Il s'engage à s'abstenir de toute action tendant au changement de ce régime.

Art. 9. Les Etats de la Ligue désireux d'établir entre eux une collaboration et des liens plus étroits que ceux prévus au présent Pacte pourront conclure à cet effet des accords.

Les traités et accords déjà conclus ou qui seront conclus à l'avenir entre un Etat membre et un autre Etat ne lient les autres membres.

Art. 10. Le siège permanent de la Ligue est établi au Caire. Le Conseil peut décider de se réunir en tout autre lieu.

Art. 11. Le Conseil de la Ligue se réunira en session ordinaire deux fois

session twice a year, in March and in October. It shall convene in extraordinary session upon the request of two member states of the League whenever the need arises.

Art. 12. The League shall have a permanent Secretariat-General which shall consist of a Secretary-General, Assistant Secretaries, and an appropriate number of officials.

The Council of the League shall appoint the Secretary-General by a majority of two-thirds of the states of the League. The Secretary-General, with the approval of the Council, shall appoint the Assistant Secretaries and the principal officials of the League.

The Council of the League shall establish an administrative regulation for the functions of the Secretariat-General and matters relating to the staff.

The Secretary-General shall have the rank of Ambassador and the Assistant Secretaries that of Ministers Plenipotentiary.

The first Secretary-General of the League is named in an Annex to this Pact.

Art. 13. The Secretary-General shall prepare the draft budget of the League and shall submit it to the Council for approval before the beginning of each fiscal year.

The Council shall fix the share of the expenses to be borne by each state of the League. This share may be reconsidered if necessary.

Art. 14. The members of the Council of the League as well as the members of the committees and the officials who are to be designated in the administrative regulation shall enjoy diplomatic privileges and immunity when engaged in the exercise of their functions.

The buildings occupied by the organs of the League shall be inviolable.

Art. 15. The first meeting of the Council shall be convened at the

par an, aux mois de mars et d'octobre. Il se réunira en session extraordinaire sur la demande de deux membres toutes les fois que les circonstances l'exigeront.

Art. 12. La Ligue aura un Secrétariat Général permanent comprenant un Secrétaire Général, des Secrétaires-adjoints et un nombre suffisant de fonctionnaires.

Le Secrétaire Général sera nommé par le Conseil à la majorité des deux tiers des membres de la Ligue. Les Secrétaires-adjoints et les fonctionnaires principaux de la Ligue seront nommés par le Secrétaire Général avec l'approbation du Conseil.

Le Conseil établira un règlement intérieur pour le Secrétariat Général et les conditions de service des fonctionnaires.

Le Secrétaire Général aura le rang d'Ambassadeur et les Secrétaires-adjoints celui de Ministres Plénipotentiaires.

Le Premier Secrétaire Général est désigné dans une annexe au présent Pacte.

Art. 13. Le Secrétaire Général prépare le projet de Budget de la Ligue et le soumet à l'approbation du Conseil avant le début de l'année financière.

Le Conseil détermine la quote-part à supporter par chaque Etat membre dans les dépenses. Il peut modifier en cas de besoin cette quote-part.

Art. 14. Les membres du Conseil de la Ligue, ceux de ses fonctionnaires qui seront désignés dans le règlement intérieur jouiront, dans l'exercice de leurs fonctions, des privilèges et immunités diplomatiques.

Les bâtiments occupés par les organes de la Ligue sont inviolables.

Art. 15. Le Conseil se réunira pour la première fois sur la convoca-

invitation of the Head of the Egyptian Government. Thereafter it shall be convened at the invitation of the Secretary-General.

The representatives of the member States of the League shall alternatively assume the Presidency of the Council at each of its ordinary sessions.

Art. 16. Except in cases specifically indicated in this Pact, a majority vote of the Council shall be sufficient to make enforceable decisions on the following matters:

(a) Matters relating to personnel.

(b) Adoption of the budget of the League.

(c) Establishment of the administrative regulations for the Council, the committees, and the Secretariat-General.

(d) Decisions to adjourn the sessions.

Art. 17. Each member State of the League shall deposit with the Secretariat-General one copy of every treaty or agreement concluded or to be concluded in the future between itself and another member state of the League or a third state.

Art. 18. If a member state contemplates withdrawal from the League, it shall inform the Council of its intention one year before such withdrawal is to go into effect.

The Council of the League may consider any state which fails to fulfill its obligations under this Pact as having become separated from the League, this to go into effect upon a unanimous decision of the States, not counting the state concerned.

Art. 19. This Pact may be amended with the consent of two-thirds of the states belonging to the League, especially in order to make firmer and stronger the ties between the member states, to create an Arab Tribunal of Arbitration, and to regulate the relations of the League with any international bodies to be created in the future to guarantee security and peace.

tion du Chef du Gouvernement Egyptien. Il se réunira par la suite sur la convocation du Secrétaire Général.

Les représentants des Etats membres de la Ligue, à tour de rôle, assumeront à chaque session ordinaire, la présidence du Conseil.

Art. 16. En dehors des cas spécialement prévus au présent Pacte, le Conseil prendra, à la majorité des voix, des décisions exécutoires dans les matières suivantes:

(a) Questions de personnel;

(b) Adoption du budget de la Ligue;

(c) Adoption des règlements intérieurs relatifs au Conseil, aux commissions et au secrétariat;

(d) Clôture des sessions.

Art. 17. Chaque Etat membre de la Ligue déposera auprès du Secréariat Général un exemplaire de tous les traités ou conventions conclus ou à conclure à l'avenir par lui avec un autre Etat membre de la Ligue ou un Etat tiers.

Art. 18. Tout Etat membre peut, après un préavis d'un an, se retirer de la Ligue.

Le Conseil de la Ligue peut exclure tout membre qui n'a pas rempli les engagements résultant du présent Pacte. L'exclusion est prononcée à l'unanimité des votes, non compris celui de l'Etat visé.

Art. 19. Le présent Pacte pourra être modifié par un vote pris à la majorité des deux tiers des membres de la Ligue. Il pourra l'être notamment pour resserrer leurs liens, pour créer un tribunal arbitral arabe, pour réglementer les rapports de la Ligue avec les organisations internationales qui viendraient à être créées à l'avenir pour garantir la paix et la sécurité.

Final action on an amendment cannot be taken prior to the session following the session in which the motion was initiated.

If a state does not accept such an amendment it may withdraw at such time as the amendment goes into effect, without being bound by the provisions of the preceding article.

Art. 20. This Pact and its Annexes shall be ratified according to the basic laws in force among the High Contracting Parties.

The instruments of ratification shall be deposited with the Secretariat-General of the Council and the Pact shall become operative as regards each ratifying state fifteen days after the Secretariat-General has received the instruments of ratification from four states.

This Pact has been drawn up in Cairo in the Arabic language on this 8th day of Rabi' II, thirteen hundred and sixty-four (22 March 1945), in one copy which shall be deposited in the safe keeping of the Secretariat-General.

An identical copy shall be delivered to each state of the League.

[Signatures omitted.]

(1) ANNEX REGARDING PALESTINE

Since the termination of the last great war the rule of the Ottoman Empire over the Arab countries, among them Palestine, which had become detached from that Empire, has come to an end. She has come to be independent in herself, not subordinate to any other state.

The Treaty of Lausanne proclaimed that her future was to be settled by the parties concerned.

However, even though she was as yet unable to control her own affairs, the Covenant of the League (of Nations) in 1919 made provision for a regime based upon recognition of her independence.

Tout amendement au Pacte ne pourra être adopté que dans la session qui suivra celle où il aura été proposé.

Tout Etat qui n'accepterait pas l'amendement du Pacte aura le droit de se retirer de la Ligue lors de l'entrée en vigueur de l'amendement, sans être lié par les dispositions de l'article précédent.

Art. 20. Le présent Pacte et ses annexes seront ratifiés par les Hautes Parties contractantes suivant les dispositions constitutionnelles en vigueur.

Les instruments de ratification seront déposés auprès du Secrétariat Général du Conseil, et le présent Pacte entrera en vigueur à l'égard de chaque Etat qui l'aura ratifié après l'expiration d'un délai de quinze jours à courir à partir du dépôt auprès du Secrétaire Général des instruments de ratification de quatre Etats.

EN FOI DE QUOI le présent Pacte a été rédigé en langue arabe au Caire, le 8 Rabei el Thani 1364, (le 22 mars 1945), en simple expédition qui sera déposée auprès du Secrétariat Général.

Copie conforme en sera remise à chacun des Etats membres de la Ligue.

(1) ANNEXE RELATIVE À LA PALESTINE

Dès la fin de la dernière guerre la Palestine a été, de même que les autres Etats Arabes détachés de l'Empire Ottoman, libérée de la domination ottomane. Devenue autonome, elle ne dépend plus d'aucun autre Etat.

Le Traité de Lausanne a proclamé que son sort serait réglé par les intéressés.

Mais si la Palestine n'a pu disposer de ses destinées, il n'en est pas moins vrai que c'est sur la base de la reconnaissance de son indépendance que le Pacte de la Société des Nations de 1919 a réglé son statut.

Her international existence and independence in the legal sense cannot, therefore, be questioned, any more than could the independence of the other Arab countries.

Although the outward manifestations of this independence have remained obscured for reasons beyond her control, this should not be allowed to interfere with her participation in the work of the Council of the League.

The States signatory to the Pact of the Arab League are therefore of the opinion that, considering the special circumstances of Palestine, and until that country can effectively exercise its independence, the Council of the League should take charge of the selection of an Arab representative from Palestine to take part in its work.

(2) ANNEX REGARDING COOPERATION WITH COUNTRIES WHICH ARE NOT MEMBERS OF THE COUNCIL OF THE LEAGUE

Whereas the member states of the League will have to deal in the Council as well as in the committees with matters which will benefit and affect the Arab world at large:

And Whereas the Council has to take into account the aspirations of the Arab countries which are not members of the Council and has to work toward their realization;

Now therefore, it particularly behooves the states signatory to the Pact of the Arab League to enjoin the Council of the League, when considering the admission of those countries to participation in the committees referred to in the Pact, that it should do its utmost to cooperate with them, and furthermore, that it should spare no effort to learn their needs and understand their aspirations and hopes; and that it should work thenceforth for their best interests and the safeguarding of their future with all the political means at its disposal.

(3) ANNEX REGARDING THE APPOINTMENT OF A SECRETARY-GENERAL OF THE LEAGUE

The states signatory to this Pact have agreed to appoint His Excellency Abd-ul-Rahman 'Azzam Bey, to be Secretary-General of the League of Arab States.

Son existence et son indépendance internationales ne sauraient donc de jure être mises en question pas plus que ne saurait l'être l'indépendance des autres pays arabes.

Si pour des raisons indépendantes de sa volonté cette existence n'a pu s'extérioriser, cette circonstance ne constitue pas un obstacle à la participation de la Palestine aux travaux du Conseil de la Ligue.

Les Etats signataires du présent Pacte estiment dans ces conditions et en raison des circonstances spéciales de la Palestine qu'en attendant que ce pays puisse exercer tous les attributs effectifs de son indépendance, il appartiendra au Conseil de la Ligue de désigner un représentant arabe pour la Palestine qui participera à ses travaux.

(2) ANNEXE RELATIVE À LA COOPÉRATION AVEC LES PAYS NON MEMBRES DE LA LIGUE

Considérant que les Etats membres de la Ligue auront à traiter tant dans son Conseil que dans ses commissions des questions dont l'utilité et la portée intéressent le monde arabe tout entier.

Considérant, d'autre part, que le Conseil ne peut que tenir compte des aspirations des Pays Arabes et déployer tous ses efforts pour les réaliser.

Les Etats signataires du Pacte de la Ligue Arabe invitent le Conseil à envisager la plus étroite coopération possible lorsqu'il s'agira de décider de la participation des Pays Arabes non membres aux travaux des commissions prévues au Pacte.

(3) ANNEXE RELATIVE À LA NOMINATION D'UN SECRÉTAIRE GÉNÉRAL

Les Etats signataires du Présent Pacte ont, d'un commun accord, nommé Abdel Rahman Azzam Bey, Secrétaire Général de la Ligue des Etats Arabes.

This appointment is made for two years. The Council of the League shall hereafter determine the new regulations for the Secretariat-General.

Cette nomination est valable pour deux ans. Le Conseil de la Ligue établira le statut du Secrétariat Général.

No. 650a

Cultural Treaty between Arab States. Approved at Cairo, November 20, 1946.

Traité culturel entre les Etats arabes. Approuvé au Caire, 20 novembre 1946.

EDITOR'S NOTE. This Treaty, prepared by the Cultural Committee of the Arab League, was adopted by the Council of the League at its fifth session held at Cairo, October 20–December 12, 1946. Cultural conferences of the Arab states were held at Cairo in July 1947 and at Beit Mery, Lebanon, in September 1947. 2 *Arab News Bulletin* (1947), No. 9, p. 7, and No. 14, p. 8.

RATIFICATIONS. On August 1, 1948, this agreement had been signed by Egypt.

BIBLIOGRAPHY. An English translation of this Treaty is also published in 2 *Arab News Bulletin* (1947), No. 2, p. 3; 1 *Middle East Journal* (1947), p. 207.

Not entered into force (January 1, 1949).

Translation supplied by the Egyptian Education Bureau.

[Translation]

Article 1. The Member States of the League do hereby agree to establish, each in its respective country, a local organisation whose functions shall be the promotion and development of cultural co-operation between Arab States. Each State shall have full freedom to choose the way in which such organisation is to be formed.

Art. 2. Member States agree to the exchange of professors and teachers between their respective schools and institutions in accordance with such general or individual conditions as shall be agreed upon between them. The duration of service of exchanged professors or teachers who are Government officials shall be reckoned as part of their Government service, entitling them to retain their original Government posts with the consequent rights of promotion and pension.

Art. 3. Member States agree to the exchange of students and pupils between their schools and institutions. These shall be admitted to the classes for which they are fitted, within the limits of the places available, due regard being paid to regulations governing such schools and institutions. To facilitate such an exchange, the Member States, with due observance of the fundamental educational principles applied in their respective countries, shall endeavour to standardise educational stages and certificates. Such procedure shall be governed by specific agreements concluded between the respective States.

Each Member State shall also extend to the country or countries concerned all possible facilities for the establishment of residential quarters for the accommodation of their respective pupils.

Art. 4. Member States shall en-

deavour to encourage cultural tours, as well as scouting and sport excursions, to those areas of their countries to which access is allowed by their respective Governments. They shall also encourage the holding of cultural and educational conferences for the benefit of students, and extend all possible facilities for such purposes, particularly with regard to travel and the reduction of travelling expenses.

Art. 5. Member States agree to the establishment in their respective countries of educational and scientific institutes by any other Member State.

Art. 6. Member States shall co-operate with one another for the revival, preservation and dissemination of the Arabs' legacy to art and literature, so as to make such legacy available to all scholars.

Art. 7. To keep pace with the world's intellectual movement the Member States shall encourage the translation from foreign languages of works of famous authors, classical or modern, and co-ordinate all efforts exerted in this direction.

They shall also encourage intellectual production in the Arab countries by diverse methods such as the establishment of literary and scientific research institutes, and the organisation of competitions amongst writers and authors, assigning prizes for the best achievements in literature, science and art.

Art. 8. Member States shall undertake to enact legislation safeguarding literary, scientific and art copyrights in their respective countries.

Art. 9. Member States shall endeavour to unify scientific expressions and terms through the medium of joint congresses, conferences and committees to be organised for the purpose, and through bulletins to be published by these bodies. They shall also endeavour to develop and promote the Arabic language so as to

make it capable of rendering all modern literary and scientific expressions, and to make Arabic the medium for teaching all subjects in all educational stages throughout the Arab countries.

Art. 10. Member States shall endeavour to strengthen relations between public libraries, and scientific, historical and art museums in their respective countries by various means such as the exchange of literary works, indexes, replicas of ancient relics, and facsimiles. They shall also endeavour to exchange technical and scientific experts and excavation missions by means of agreements to be concluded between the respective States.

Art. 11. Member States agree to strengthen relations and facilitate co-operation between scientists, scholars, journalists, people engaged in free professions, and persons connected with the stage, the cinema, music and broadcasting—wherever these exist—through the organisation of visits from one country to another.

They shall also encourage, for the same purpose, the holding of cultural, educational and scientific conferences, the placing of adequately equipped research centres and laboratories belonging to the various scientific institutes of each country at the disposal of the scientists and scholars of other countries for the conducting and demonstration of scientific researches, and the publication of periodic bulletins on all works written and researches made in all Arab countries. They shall make it obligatory for all authors and publishers to present copies of all publications issued by them to the Cultural Committee of the League for preservation in its Library and for distribution to Public Libraries in each State.

Art. 12. Member States agree to introduce into the educational syllabuses of their respective countries

literary, geographical and historical matter sufficient to enable students to form a clear idea about the life and civilisation of the other Arab countries. They shall also endeavour to establish an Arabic Library for pupils in each State.

Art. 13. Member States shall endeavour to acquaint their nationals with the cultural, social, economic and political conditions of the other Arab States through the medium of the radio, the theatre, the cinema, the press or any other means, also through establishment of museums for Arab culture and civilisation, adequately equipped by them and by other Member States to ensure success, and through the organisation of periodical art and literary exhibitions and school festivals in the different Arab countries.

Art. 14. Member States shall encourage the establishment of Arab cultural and social clubs in their respective countries.

Art. 15. Member States shall adopt all measures necessary to ensure the closest similarity possible in matters of legislation. They shall also endeavour to unify their laws whenever that is practicable, and to introduce comparative legal study of Arab countries into the syllabuses of

their respective educational institutions.

Art. 16. This Treaty shall be ratified by the undersigned States in accordance with their respective constitutional regulations at the earliest date possible. The instruments of ratification shall be entrusted for safe custody to the Secretariat-General of the League which shall draw up a separate *procès-verbal* registering the deposit of the ratification instrument of each country and shall communicate the fact to other member States.

Art. 17. Arab countries are permitted to adhere to this Treaty by notifying the Secretary-General of the League who will communicate the fact to the other contracting States.

Art. 18. This Treaty will come into force one month after the date of the receipt of the instruments of ratification from two States. It shall also come into force for the other States who participate one month after the date of the deposit of the document of joining from these States.

Art. 19. Any signatory State of this Treaty is allowed to withdraw from it by giving notice to the Secretariat-General of the League. The notice will take effect six months from the date of its despatch.

[Signatures omitted.]

No. 651

ACT of Military Surrender of Germany. Signed at Berlin, May 8, 1945.

ACTE de reddition militaire de l'Allemagne. Signé à Berlin, 8 mai 1945.

EDITOR'S NOTE. This Act marked the end of the hostilities in Europe in World War II. It elaborated the act of military surrender signed at Rheims, May 7, 1945. It had been preceded by the instruments of surrender of the German armed forces in Italy, signed at Caserta, April 29, 1945, and of German forces in Holland, Northwest Germany, and Denmark, signed near Lüneburg, May 4, 1945. For other armistice and surrender instruments of this period, see Nos. 625, 636-638, 645, *ante*, and No. 661, *post*. Plans for occupation and control of Germany had been agreed upon at the Yalta Conference, in February 1945. 12

U.S. Department of State Bulletin (1945), p. 214. A declaration on the Allied control of Germany was signed at Berlin, June 5, 1945 (No. 652, *post*), and was supplemented by the agreement signed at Berlin, September 20, 1945 (No. 652a, *post*). An agreement on the treatment of Germany was adopted at the Berlin Conference, July 17–August 2, 1945 (No. 657, *post*). An agreement for the prosecution and punishment of the major war criminals of the European Axis was signed at London, August 8, 1945 (No. 659, *post*).

RATIFICATIONS. This Act was not subject to ratification.

BIBLIOGRAPHY. The text of the Act is also published in U.S. National Archives, *Germany Surrenders Unconditionally; Facsimiles of the Documents* (Publ. No. 46–4, 1945), pp. 32–39; U.S. Senate, *Surrender of Italy, Germany, and Japan: World War II* (79th Congress, 1st Session, Senate Doc. No. 93), pp. 42–44; Canada, *Treaty Series*, 1945, No. 15; U.S. Department of State, *The Axis in Defeat* (Publ. No. 2423), p. 24; 39 *Am. Jour. Int. Law* (Supp., 1945), p. 170.

C. S. Shears, "Some Legal Implications of Unconditional Surrender," *Proceedings of the American Society of International Law* (1945), pp. 44–52.

Entered into force May 8, 1945.

Text from *U.S. Executive Agreement Series*, No. 502.

1. We the undersigned, acting by authority of the German High Command, hereby surrender unconditionally to the Supreme Commander, Allied Expeditionary Force and simultaneously to the Supreme High Command of the Red Army all forces on land, at sea, and in the air who are at this date under German control.

2. The German High Command will at once issue orders to all German military, naval and air authorities and to all forces under German control to cease active operations at 2301 hours Central European time on 8th May 1945, to remain in the positions occupied at that time and to disarm completely, handing over their weapons and equipment to the local allied commanders or officers designated by Representatives of the Allied Supreme Commands. No ship, vessel, or aircraft is to be scuttled, or any damage done to their hull, machinery or equipment, and also to machines of all kinds, armament, apparatus, and all the technical means of prosecution of war in general.

3. The German High Command will at once issue to the appropriate commanders, and ensure the carrying out of any further orders issued by the Supreme Commander, Allied Expeditionary Force and by the Supreme High Command of the Red Army.

4. This act of military surrender is without prejudice to, and will be superseded by any general instrument of surrender imposed by, or on behalf of the United Nations and applicable to GERMANY and the German armed forces as a whole.

5. In the event of the German High Command or any of the forces under their control failing to act in accordance with this Act of Surrender, the Supreme Commander, Allied Expeditionary Force and the Supreme High Command of the Red Army will take such punitive or other action as they deem appropriate.

6. This Act is drawn up in the English, Russian and German languages. The English and Russian are the only authentic texts.

SIGNED at Berlin on the 8 day of May, 1945.

[Signed:] VON FRIEDEBURG, KEITEL, STUMPF, *on behalf of the German High Command*. In the presence of: A. W. TEDDER, *on behalf of the Supreme*

Commander, Allied Expeditionary Force; on behalf of the Supreme High Command of the Red Army, ZHUKOV. At the signing also were present as witnesses: F. DE LATTRE DE TASSIGNY, General, Commanding in Chief First French Army; CARL SPAATZ, General, Commanding United States Strategic Air Forces.

No. 652

DECLARATION regarding the Assumption of Supreme Authority with respect to Germany. Signed at Berlin, June 5, 1945.

DÉCLARATION concernant la prise de l'autorité suprême à l'égard de l'Allemagne. Signée à Berlin, 5 juin 1945.

EDITOR'S NOTE. This Declaration followed a plan agreed upon at the Crimea (Yalta) Conference in February 1945. 12 *U.S. Department of State Bulletin* (1945), p. 214. Simultaneously with the Declaration, statements were issued concerning the zones of occupation in Germany, the Allied control machinery, and the intention to consult with other United Nations. 13 *idem* (1945), pp. 1052-54. The Declaration was further supplemented by the agreement of September 20, 1945 (No. 652a, *post*). Political and economic principles to govern the treatment of Germany were agreed upon at the Berlin (Potsdam) Conference, August 2, 1945 (No. 661, *post*). For the texts of the basic proclamations and laws of the Control Council, see 15 *U.S. Department of State Bulletin* (1946), pp. 859-63; Germany, Control Council, *Official Gazette* (since October 1945).

RATIFICATIONS. This Declaration was not subject to ratification.

BIBLIOGRAPHY. The text of this agreement is also published in Canada, *Treaty Series*, 1945, No. 16; U.S. Department of State, *The Axis in Defeat* (Publ. No. 2423; Washington, 1945), p. 62; *Br. Parl. Papers*, Germany No. 1 (1945), Cmd. 6648; 39 *Am. Jour. Int. Law* (Supp., 1945), p. 171; 5 Embassy of U.S.S.R., *Information Bulletin* (1945), No. 59, pp. 1-4. Cf. U.S. Department of State, *Occupation of Germany: Policy and Progress 1945-1946* (Publ. 2783, European Series, No. 23), 241 pp.

Anon., "The Allied Zones of Occupation in Germany," 1 *World Today* (1945), pp. 12-23, J. Benoist, "Le Conseil de Contrôle et l'occupation de l'Allemagne," 11 *Politique étrangère* (1946), pp. 61-70; C. Fahy, "The Lawyer in Military Government of Germany," 15 *U.S. Department of State Bulletin* (1946), pp. 852-59; France, "La zone d'occupation française en Allemagne," 255 *Notes documentaires et Etudes* (1946), 24 pp.; W. Friedmann, *The Allied Military Government of Germany* (London, 1947), 362 pp.; C. J. Friedrich and others, *American Experience in Military Government in World War II* (New York, 1948), pp. 195-291; L. A. Hoffman, "Germany: Zones of Occupation," 14 *U.S. Department of State Bulletin* (1946), pp. 599-607; H. Holborn, *American Military Government: Its Organization and Policies* (Washington, 1947), pp. 43-73; R. Y. Jennings, "Government in Commission," 23 *British Year Book of International Law* (1946), pp. 112-41; H. Kelsen, "The Legal Status of Germany according to the Declaration of Berlin," 39 *Am. Jour. Int. Law* (1945), pp. 518-26; F. A. Mann, "The Present Legal Status of Germany," 1 *International Law Quarterly* (1947), pp. 314-35; J. J. McCloy, "American Occupation Policies in Germany," 21 *Proceedings of the Academy of Political Science* (1946), pp. 540-51; J. K. Pollock and J. H. Meisel, *Germany Under Occupation* (Ann Arbor, 1947), 306 pp.; M. Rheinstein, "The Legal Status of Occupied Germany," 47 *Michigan Law Review* (1948), pp. 23-40; J. W. Riddleberger, "United States Policy on the Treatment of Germany," 13 *U.S. Department of State Bulletin* (1945), pp. 841-49; G. Sauser-Hall, "L'occupation de l'Allemagne par les Puissances Alliées," 3

Annuaire suisse de droit international (1946), pp. 9-64; G. Schaffer, *Russian Zone* (London, 1947), 192 pp.; H. J. Schlochauer, "Zur Frage eines Besatzungsstatut für Deutschland," 1 *Archiv des Völkerrechts* (1948), pp. 188-218; E. Schwelb, "The Legal Status of Germany," 40 *Am. Jour. Int. Law* (1946), pp. 811-12; H. Zink, *American Military Government in Germany* (New York, 1947), 272 pp.

Entered into force June 5, 1945.

Text from *U.S. Treaties and Other International Acts Series*, No. 1520.

The German armed forces on land, at sea and in the air have been completely defeated and have surrendered unconditionally and Germany, which bears responsibility for the war, is no longer capable of resisting the will of the victorious Powers. The unconditional surrender of Germany has thereby been effected, and Germany has become subject to such requirements as may now or hereafter be imposed upon her.

There is no central Government or authority in Germany capable of accepting responsibility for the maintenance of order, the administration of the country and compliance with the requirements of the victorious Powers.

It is in these circumstances necessary, without prejudice to any subsequent decisions that may be taken respecting Germany, to make provision for the cessation of any further hostilities on the part of the German armed forces, for the maintenance of order in Germany and for the administration of the country, and to announce the immediate requirements with which Germany must comply.

The Representatives of the Supreme Commands of the United States of America, the Union of Soviet Socialist Republics, the United Kingdom and the French Republic, hereinafter called the "Allied Representatives," acting by authority of their respective Governments and in the interests of the United Nations, accordingly make the following Declaration:

The Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom, and the Provisional Government of the French Republic, hereby assume supreme authority with respect to Germany, including all the powers possessed by the German Government, the High Command and any state, municipal, or local government or authority. The assumption, for the purposes stated above, of the said authority and powers does not effect the annexation of Germany.

The Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom, and the Provisional Government of the French Republic, will hereafter determine the boundaries of Germany or any part thereof and the status of Germany or of any area at present being part of German territory.

In virtue of the supreme authority and powers thus assumed by the four Governments, the Allied Representatives announce the following requirements arising from the complete defeat and unconditional surrender of Germany with which Germany must comply:

Article 1. Germany, and all German military, naval and air authorities and all forces under German control shall immediately cease hostilities in all theatres of war against the forces of the United Nations on land, at sea and in the air.

Art. 2.—(a) All armed forces of Germany or under German control, wherever they may be situated, in-

cluding land, air, anti-aircraft and naval forces, the S.S., S.A. and Gestapo, and all other forces or auxiliary organisations equipped with weapons, shall be completely disarmed, handing over their weapons and equipment to local Allied Commanders or to officers designated by the Allied Representatives.

(b) The personnel of the formations and units of all the forces referred to in paragraph (a) above shall, at the discretion of the Commander-in-Chief of the Armed Forces of the Allied State concerned, be declared to be prisoners of war, pending further decisions, and shall be subject to such conditions and directions as may be prescribed by the respective Allied Representatives.

(c) All forces referred to in paragraph (a) above, wherever they may be, will remain in their present positions pending instructions from the Allied Representatives.

(d) Evacuation by the said forces of all territories outside the frontiers of Germany as they existed on the 31st December, 1937, will proceed according to instructions to be given by the Allied Representatives.

(e) Detachments of civil police to be armed with small arms only, for the maintenance of order and for guard duties, will be designated by the Allied Representatives.

Art. 3.—(a) All aircraft of any kind or nationality in Germany or German-occupied or controlled territories or waters, military, naval or civil, other than aircraft in the service of the Allies, will remain on the ground, on the water or aboard ships pending further instructions.

(b) All German or German-controlled aircraft in or over territories or waters not occupied or controlled by Germany will proceed to Germany or to such other place or places as may be specified by the Allied Representatives.

Art. 4.—(a) All German or German-controlled naval vessels, surface

and submarine, auxiliary naval craft, and merchant and other shipping, wherever such vessels may be at the time of this Declaration, and all other merchant ships of whatever nationality in German ports, will remain in or proceed immediately to ports and bases as specified by the Allied Representatives. The crews of such vessels will remain on board pending further instructions.

(b) All ships and vessels of the United Nations, whether or not title has been transferred as the result of prize court or other proceedings, which are at the disposal of Germany or under German control at the time of this Declaration, will proceed at the dates and to the ports or bases specified by the Allied Representatives.

Art. 5.—(a) All or any of the following articles in the possession of the German armed forces or under German control or at German disposal will be held intact and in good condition at the disposal of the Allied Representatives, for such purposes and at such times and places as they may prescribe—

(i) all arms, ammunition, explosives, military equipment, stores and supplies and other implements of war of all kinds and all other war material;

(ii) all naval vessels of all classes, both surface and submarine, auxiliary naval craft and all merchant shipping, whether afloat, under repair or construction, built or building;

(iii) all aircraft of all kinds, aviation and anti-aircraft equipment and devices;

(iv) all transportation and communications facilities and equipment, by land, water or air;

(v) all military installations and establishments, including airfields, seaplane bases, ports and naval bases, storage depots, permanent and temporary land and coast fortifications, fortresses and other forti-

fied areas, together with plans and drawings of all such fortifications, installations and establishments;

(vi) all factories, plants, shops, research institutions, laboratories, testing stations, technical data, patents, plans, drawings and inventions, designed or intended to produce or to facilitate the production or use of the articles, materials and facilities referred to in sub-paragraphs (i), (ii), (iii), (iv) and (v) above or otherwise to further the conduct of war.

(b) At the demand of the Allied Representatives the following will be furnished:

(i) the labour, services and plant required for the maintenance or operation of any of the six categories mentioned in paragraph (a) above; and

(ii) any information or records that may be required by the Allied Representatives in connection with the same.

(c) At the demand of the Allied Representatives all facilities will be provided for the movement of Allied troops and agencies, their equipment and supplies, on the railways, roads and other land communications or by sea, river or air. All means of transportation will be maintained in good order and repair, and the labour, services and plant necessary therefor will be furnished.

Art. 6.—(a) The German authorities will release to the Allied Representatives, in accordance with the procedure to be laid down by them, all prisoners of war at present in their power, belonging to the forces of the United Nations, and will furnish full lists of these persons, indicating the places of their detention in Germany or territory occupied by Germany. Pending the release of such prisoners of war, the German authorities and people will protect them in their persons and property and provide them with adequate food, clothing, shelter, medical at-

tention and money in accordance with their rank or official position.

(b) The German authorities and people will in like manner provide for and release all other nationals of the United Nations who are confined, interned or otherwise under restraint, and all other persons who may be confined, interned or otherwise under restraint for political reasons or as a result of any Nazi action, law or regulation which discriminates on the ground of race, colour, creed or political belief.

(c) The German authorities will, at the demand of the Allied Representatives, hand over control of places of detention to such officers as may be designated for the purpose by the Allied Representatives.

Art. 7. The German authorities concerned will furnish to the Allied Representatives:

(a) full information regarding the forces referred to in Article 2(a), and, in particular, will furnish forthwith all information which the Allied Representatives may require concerning the numbers, locations and dispositions of such forces, whether located inside or outside Germany;

(b) complete and detailed information concerning mines, minefields and other obstacles to movement by land, sea or air, and the safety lanes in connection therewith. All such safety lanes will be kept open and clearly marked; all mines, minefields and other dangerous obstacles will as far as possible be rendered safe, and all aids to navigation will be reinstated. Unarmed German military and civilian personnel with the necessary equipment will be made available and utilised for the above purposes and for the removal of mines, minefields and other obstacles as directed by the Allied Representatives.

Art. 8. There shall be no destruction, removal, concealment, transfer or scuttling of, or damage to, any military, naval, air, shipping, port,

industrial and other like property and facilities and all records and archives, wherever they may be situated, except as may be directed by the Allied Representatives.

Art. 9. Pending the institution of control by the Allied Representatives over all means of communication, all radio and telecommunication installations and other forms of wire or wireless communications, whether ashore or afloat, under German control, will cease transmission except as directed by the Allied Representatives.

Art. 10. The forces, ships, aircraft, military equipment, and other property in Germany or in German control or service or at German disposal, of any other country at war with any of the Allies, will be subject to the provisions of this Declaration and of any proclamations, orders, ordinances or instructions issued thereunder.¹

Art. 11.—(a) The principal Nazi leaders as specified by the Allied Representatives, and all persons from time to time named or designated by rank, office or employment by the Allied Representatives as being suspected of having committed, ordered or abetted war crimes or analogous offences, will be apprehended and surrendered to the Allied Representatives.

(b) The same will apply in the case of any national of any of the United Nations who is alleged to have committed an offence against his national law, and who may at any time be named or designated by rank, office or employment by the Allied Representatives.

(c) The German authorities and people will comply with any instructions given by the Allied Representatives for the apprehension and surrender of such persons.

Art. 12. The Allied Representatives will station forces and civil agencies in any or all parts of Germany as they may determine.

Art. 13.—(a) In the exercise of the supreme authority with respect to Germany assumed by the Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom, and the Provisional Government of the French Republic, the four Allied Governments will take such steps, including the complete disarmament and demilitarisation of Germany, as they deem requisite for future peace and security.

(b) The Allied Representatives will impose on Germany additional political, administrative, economic, financial, military and other requirements arising from the complete defeat of Germany. The Allied Representatives, or persons or agencies duly designated to act on their authority, will issue proclamations, orders, ordinances and instructions for the purpose of laying down such additional requirements, and of giving effect to the other provisions of this Declaration. All German authorities and the German people shall carry out unconditionally the requirements of the Allied Representatives, and shall fully comply with all such proclamations, orders, ordinances and instructions.

Art. 14. This Declaration enters into force and effect at the date and hour set forth below. In the event of failure on the part of the German authorities or people promptly and completely to fulfil their obligations hereby or hereafter imposed, the Allied Representatives will take whatever action may be deemed by them to be appropriate under the circumstances.

¹ In Article 10 of the original of the present text the word "nationals" following the word "forces" has been cancelled and the following penned note appears at the end of the Declaration: "The word 'nationals' has been omitted pending check." The word does not appear in the French version of the Declaration.—Ed.

Art. 15. This Declaration is English, Russian and French are the drawn up in the English, Russian, only authentic texts. French and German languages. The 5 June 1945, Berlin.

Signed by the Allied Representatives: DWIGHT D. EISENHOWER, *General of the Army, U.S.A.*; G. ZHUKOV; B. L. MONTGOMERY, *Field-Marshal*; F. DE LATTRE-TASSIGNY, *Général d'Armée*.

No. 652a

Agreement on Certain Additional Requirements to be Imposed on Germany. Adopted at Berlin, September 20, 1945.

Accord sur certaines conditions additionnelles à imposer sur l'Allemagne. Adopté à Berlin, 20 septembre 1945.

EDITOR'S NOTE. This Agreement supplements the declaration of June 5, 1945 (No. 652, *ante*). Cf. the Berlin (Potsdam) agreement of August 2, 1945 (No. 657, *post*).

RATIFICATIONS. This Agreement was not subject to ratification.

BIBLIOGRAPHY. The text of this Agreement is also published in U.S. Department of State, *The Axis in Defeat* (Publ. No. 2423), p. 71.

See also the bibliography under No. 652, *ante*.

Entered into force September 20, 1945.

Text from 13 *U.S. Department of State Bulletin* (1945), p. 515.

The Governments of the U.K., U.S.A., and U.S.S.R. and Provisional Government of French Republic have reached the following agreement regarding instructions to be issued by the Allied representatives in Germany:

We, the Allied Representatives, Commanders-in-Chief of the forces of occupation of the United Kingdom, the United States of America, the Union of Soviet Socialist Republics and the French Republic, pursuant to the Declaration regarding the defeat of Germany, signed at Berlin on 5th June, 1945, hereby announce certain additional requirements arising from the complete defeat and unconditional surrender of Germany with which Germany must comply, as follows:

SECTION I

1. All German land, naval and air forces, the S.S., S.A., S.D. and

Gestapo, with all their organizations, staffs and institutions, including the General Staff, the Officers' Corps, Reserve Corps, military schools, war veterans' organizations and all other military and quasi-military organizations, together with all clubs and associations which serve to keep alive the military tradition in Germany, shall be completely and finally abolished in accordance with methods and procedures to be laid down by the Allied Representatives.

2. All forms of military training, military propaganda and military activities of whatever nature, on the part of the German people, are prohibited, as well as the formation of any organization initiated to further any aspect of military training and the formation of war veterans' organizations or other groups which might develop military characteristics or which are designed to carry

on the German military tradition, whether such organizations or groups purport to be political, educational, religious, social, athletic or recreational or of any other nature.

SECTION II

3. (a) German authorities and officials in all territories outside the frontiers of Germany as they existed on 31st December, 1937, and in any areas within those frontiers indicated at any time by the Allied Representatives, will comply with such instructions as to withdrawing therefrom as they may receive from the Allied Representatives.

(b) The German authorities will issue the necessary instructions and will make the necessary arrangements for the reception and maintenance in Germany of all German civilian inhabitants of the territories or areas concerned, whose evacuation may be ordered by the Allied Representatives.

(c) Withdrawals and evacuations under sub-paragraphs (a) and (b) above will take place at such times and under such conditions as the Allied Representatives may direct.

4. In the territories and areas referred to in paragraph 3 above, there shall immediately be, on the part of all forces under German command and of German authorities and civilians, a complete cessation of all measures of coercion or forced labor and of all measures involving injury to life or limb. There shall similarly cease all measures of requisitioning, seizure, removal, concealment or destruction of property. In particular, the withdrawals and evacuations mentioned in paragraph 3 above will be carried out without damage to or removal of persons or property not affected by the orders of the Allied Representatives. The Allied Representatives will determine what personal property and effects may be taken by persons evacuated under paragraph 3 above.

SECTION III

5. The Allied Representatives will regulate all matters affecting Germany's relations with other countries. No foreign obligations, undertakings or commitments of any kind will be assumed or entered into by or on behalf of German authorities or nationals without the sanction of the Allied Representatives.

6. The Allied Representatives will give directions concerning the abrogation, bringing into force, revival or application of any treaty, convention or other international agreement, or any part or provision thereof, to which Germany is or has been a party.

7. (a) In virtue of the unconditional surrender of Germany, and as of the date of such surrender, the diplomatic, consular, commercial and other relations of the German State with other States have ceased to exist.

(b) Diplomatic, consular, commercial and other officials and members of service missions in Germany of countries at war with any of the four Powers will be dealt with as the Allied Representatives may prescribe. The Allied Representatives may require the withdrawal from Germany of neutral diplomatic, consular, commercial and other officials and members of neutral service missions.

(c) All German diplomatic, consular, commercial and other officials and members of German service missions abroad are hereby recalled. The control and disposal of the buildings, property and archives of all German diplomatic and other agencies abroad will be prescribed by the Allied Representatives.

8. (a) German nationals will, pending further instructions, be prevented from leaving German territory except as authorized or directed by the Allied Representatives.

(b) German authorities and nationals will comply with any directions issued by the Allied Repre-

sentatives for the recall of German nationals resident abroad, and for the reception in Germany of any persons whom the Allied Representatives may designate.

9. The German authorities and people will take all appropriate steps to ensure the safety, maintenance and welfare of persons not of German nationality and of their property and the property of foreign States.

SECTION IV

10. The German authorities will place at the disposal of the Allied Representatives the whole of the German inter-communication system (including all military and civilian postal and telecommunication systems and facilities and connected matters), and will comply with any instructions given by the Allied Representatives for placing such inter-communication systems under the complete control of the Allied Representatives. The German authorities will comply with any instructions given by the Allied Representatives with a view to the establishment by the Allied Representatives of such censorship and control of postal and telecommunication and of documents and other articles carried by persons or otherwise conveyed and of all other forms of inter-communication as the Allied Representatives may think fit.

11. The German authorities will comply with all directions which the Allied Representatives may give regarding the use, control and censorship of all media for influencing expression and opinions, including broadcasting, press and publications, advertising, films and public performances, entertainments, and exhibitions of all kinds.

SECTION V

12. The Allied Representatives will exercise such control as they deem necessary over all or any part

or aspect of German finance, agriculture (including forestry) production and mining, public utilities, industry, trade, distribution and economy generally, internal and external, and over all related or ancillary matters, including the direction or prohibition of the manufacture, production, construction, treatment, use and disposal of any buildings, establishments, installations, public or private works, plant, equipment, products, materials, stocks, or resources. Detailed statements of the subjects to which the present provision applies, together with the requirements of the Allied Representatives in regard thereto, will from time to time be communicated to the German authorities.

13. (a) The manufacture, production and construction, and the acquisition from outside Germany, of war material and of such other products, used in connection with such manufacture, production or construction, as the Allied Representatives may specify, and the import, export and transit thereof, are prohibited, except as directed by the Allied Representatives.

(b) The German authorities will immediately place at the disposal of the Allied Representatives all research, experiment, development and design directly or indirectly relating to war or the production of war material, whether in government or private establishments, factories, technological institutions or elsewhere.

14. (a) The property, assets, rights, titles and interests (whether situated inside or outside Germany) of the German State, its political subdivisions, the German Central Bank, State or semi-State, provincial, municipal or local authorities or Nazi organizations, and those situated outside Germany of any person resident or carrying on business in Germany, will not be disposed of in any way whatever without the sanc-

tion of the Allied Representatives. The property, assets, rights, titles and interests (whether situated inside or outside Germany), of such private companies, corporations, trusts, cartels, firms, partnerships and associations as may be designated by the Allied Representatives will not be disposed of in any way whatever without the sanction of the Allied Representatives.

(b) The German authorities will furnish full information about the property, assets, rights, titles and interests referred to in sub-paragraph (a) above, and will comply with such directions as the Allied Representatives may give as to their transfer and disposal. Without prejudice to any further demands which may be made in this connection, the German authorities will hold at the disposal of the Allied Representatives for delivery to them at such times and places as they may direct all securities, certificates, deeds or other documents of title held by any of the institutions or bodies mentioned in sub-paragraph (a) above or by any person subject to German law, and relating to property, assets, rights, titles and interests situated in the territories of the United Nations, including any shares, stocks, debentures or other obligations of any company incorporated in accordance with the laws of any of the United Nations.

(c) Property, assets, rights, titles and interests situated inside Germany will not be removed outside Germany or be transferred or disposed of to any person resident or carrying on business outside Germany without the sanction of the Allied Representatives.

(d) Nothing in sub-paragraphs (a) and (b) above shall, as regards property, assets, rights, titles and interests situated inside Germany, be deemed to prevent sales or transfers to persons resident in Germany for the purpose of maintaining or carry-

ing on the day-to-day national life, economy and administration, subject to the provisions of sub-paragraph 19 (b) and (c) below and to the provisions of the Declaration or of any proclamations, orders, ordinances or instructions issued thereunder.

15. (a) The German authorities and all persons in Germany will hand over to the Allied Representatives all gold and silver, in coin or bullion forms, and all platinum in bullion form, situated in Germany, and all such coin and bullion situated outside Germany as is possessed by or held on behalf of any of the institutions or bodies mentioned in sub-paragraph 14 (a) above or any person resident or carrying on business in Germany.

(b) The German authorities and all persons in Germany will hand over in full to the Allied Representatives all foreign notes and coins in the possession of any German authority, or of any corporation, association or individual resident or carrying on business in Germany, and all monetary tokens issued or prepared for issue by Germany in the territories formerly occupied by her or elsewhere.

16. (a) All property, assets, rights, titles and interests in Germany held for or belonging to any country against which any of the United Nations is carrying on hostilities, or held for or belonging to the nationals of any such country, or of any persons resident or carrying on business therein, will be taken under control and will be preserved pending further instructions.

(b) All property, assets, rights, titles and interests in Germany held for or belonging to private individuals, private enterprises and companies of those countries, other than Germany and the countries referred to in sub-paragraph (a) above, which have at any time since the 1st September, 1939, been at war with any

of the United Nations, will be taken under control and will be preserved pending further instructions.

(c) The German authorities will take all necessary steps to ensure the execution of the provisions of sub-paragraphs (a) and (b) above, will comply with any instructions given by the Allied Representatives for that purpose, and will afford all necessary information and facilities in connection therewith.

17. (a) There shall, on the part of the German authorities and people, be no concealment, destruction, scuttling, or dismantling of, removal or transfer of, nor damage to, ships, transport, ports or harbours, nor to any form of building, establishment, installation, device, means of production, supply, distribution or communication, plant, equipment, currency, stocks or resources, or, in general, public or private works, utilities or facilities of any kind, wherever situated.

(b) There shall be no destruction, removal, concealment, suppression or alteration of any documents, records, patents, drawings, specifications, plans or information, of any nature, affected by the provisions of this document. They shall be kept intact in their present locations until further directions are given. The German authorities will afford all information and facilities as required by the Allied Representatives in connection therewith.

(c) Any measures already ordered, undertaken or begun contrary to the provisions of sub-paragraphs (a) and (b) above will be immediately countermanded or discontinued. All stocks, equipment, plant, records, patents, documents, drawings, specifications, plans or other material already concealed within or outside Germany will forthwith be declared and will be dealt with as the Allied Representatives may direct.

(d) Subject to the provisions of the Declaration or any proclama-

tions, orders, ordinances, or instructions issued thereunder, the German authorities and people will be responsible for the preservation, safeguarding and upkeep of all forms of property and materials affected by any of the said provisions.

(e) All transport material, stores, equipment, plant, establishments, installations, devices and property generally, which are liable to be surrendered or delivered under the Declaration or any proclamations, orders, ordinances or instructions issued thereunder, will be handed over intact and in good condition, or subject only to ordinary wear and tear and to any damage caused during the continuance of hostilities which it has proved impossible to make good.

18. There shall be no financial, commercial or other intercourse with, or dealings with or for the benefit of, countries at war with any of the United Nations, or territories occupied by such countries, or with any other country or person specified by the Allied Representatives.

SECTION VI

19. (a) The German authorities will carry out, for the benefit of the United Nations, such measures of restitution, reinstatement, restoration, reparation, reconstruction, relief and rehabilitation as the Allied Representatives may prescribe. For these purposes the German authorities will effect or procure the surrender or transfer of such property, assets, rights, titles and interests, effect such deliveries and carry out such repair, building and construction work, whether in Germany or elsewhere, and will provide such transport, plant equipment and materials of all kinds, labour, personnel and specialist and other services, for use in Germany or elsewhere, as the Allied Representatives may direct.

(b) The German authorities will also comply with all such directions

as the Allied Representatives may give relating to property, assets, rights, titles and interests located in Germany belonging to any one of the United Nations or its nationals or having so belonged at, or at any time since, the outbreak of war between Germany and that Nation, or since the occupation of any part of its territories by Germany. The German authorities will be responsible for safeguarding, maintaining, and preventing the dissipation of, all such property, assets, rights, titles and interests, and for handing them over intact at the demand of the Allied Representatives. For these purposes the German authorities will afford all information and facilities required for tracing any property, assets, rights, titles or interests.

(c) All persons in Germany in whose possession such property, assets, rights, titles and interests may be, shall be personally responsible for reporting them and for safeguarding them until they are handed over in such manner as may be prescribed.

20. The German authorities will supply free of cost such German currency as the Allied Representatives may require, and will withdraw and redeem in German currency, within such time limits and on such terms as the Allied Representatives may specify, all holdings in German territory of currencies issued by the Allied Representatives during military operations or occupation, and will hand over the currencies so withdrawn free of cost to the Allied Representatives.

21. The German authorities will comply with all such directions as may be issued by the Allied Representatives for defraying the costs of the provisioning, maintenance, pay, accommodation and transport of the forces and agencies stationed in Germany by authority of the Allied Representatives, the costs of executing the requirements of unconditional

surrender, and payment for any relief in whatever form it may be provided by the United Nations.

22. The Allied Representatives will take and make unrestricted use (whether inside or outside Germany) of any articles referred to in paragraph 12 above, which the Allied Representatives may require in connection with the conduct of hostilities against any country with which any of their respective Governments is at war.

SECTION VII

23. (a) No merchant ship, including fishing or other craft, shall put to sea from any German port except as may be sanctioned or directed by the Allied Representatives. German ships in ports outside Germany shall remain in port and those at sea shall proceed to the nearest German or United Nations port and there remain, pending instructions from the Allied Representatives.

(b) All German merchant shipping, including tonnage under construction or repair, will be made available to the Allied Representatives for such use and on such terms as they may prescribe.

(c) Foreign merchant shipping in German service or under German control will likewise be made available to the Allied Representatives for such use and on such terms as they may prescribe. In the case of such foreign merchant vessels which are of neutral registration, the German authorities will take all such steps as may be required by the Allied Representatives to transfer or cause to be transferred to the Allied Representatives all rights relative thereto.

(d) All transfer to any other flag, service or control, of the vessels covered by sub-paragraphs (b) and (c) above, is prohibited, except as may be directed by the Allied Representatives.

24. Any existing options to repurchase or reacquire or to resume control of vessels sold or otherwise transferred or chartered by Germany during the war will be exercised as directed by the Allied Representatives. Such vessels will be made available for use by the Allied Representatives in the same manner as the vessels covered by sub-paragraphs 23 (b) and (c) above.

25. (a) The crews of all German merchant vessels or merchant vessels in German service or under German control will remain on board and will be maintained by the German authorities pending further instructions from the Allied Representatives regarding their future employment.

(b) Cargoes on board any such vessels will be disposed of in accordance with instructions given to the German authorities by the Allied Representatives.

26. (a) Merchant ships, including fishing and other craft of the United Nations (or of any country which has broken off diplomatic relations with Germany) which are in German hands, wherever such ships may be, will be surrendered to the Allied Representatives regardless of whether title has been transferred as the result of prize court proceedings or otherwise. All such ships will be surrendered in good repair and in seaworthy condition in ports and at times to be specified by the Allied Representatives, for disposal as directed by them.

(b) The German authorities will take all such steps as may be directed by the Allied Representatives to effect or complete transfers of title to such ships regardless of whether the title has been transferred as the result of prize court proceedings or otherwise. They will secure the discontinuance of any arrests of, or proceedings against, such ships in neutral ports.

27. The German authorities will

comply with any instructions given by the Allied Representatives for the destruction, dispersal, salvaging, reclamation or raising of wrecked, stranded, derelict or sunken vessels, wherever they may be situated. Such vessels salvaged, reclaimed or raised shall be dealt with as the Allied Representatives direct.

28. The German authorities will place at the unrestricted disposal of the Allied Representatives the entire German shipping, shipbuilding and ship repair industries, and all matters and facilities directly or indirectly relative or ancillary thereto, and will provide the requisite labour and specialist services. The requirements of the Allied Representatives will be specified in instructions which will from time to time be communicated to the German authorities.

SECTION VIII

29. The German authorities will place at the unrestricted disposal of the Allied Representatives the whole of the German inland transport system (road, rail, air and waterways) and all connected material, plant and equipment, and all repair, construction, labour, servicing and running facilities, in accordance with the instructions issued by the Allied Representatives.

30. The production in Germany and the possession, maintenance or operation by Germans of any aircraft of any kind or any parts thereof, are prohibited.

31. All German rights in international transport bodies or organizations, and in relation to the use of transport and the movement of traffic in other countries and the use in Germany of the transport of other countries, will be exercised in accordance with the directions of the Allied Representatives.

32. All facilities for the generation, transmission and distribution of power, including establishments for the manufacture and repair of

such facilities, will be placed under the complete control of the Allied Representatives, to be used for such purposes as they may designate.

SECTION IX

33. The German authorities will comply with all such directions as the Allied Representatives may give for the regulation of movements of population and for controlling travel or removal on the part of persons in Germany.

34. No person may leave or enter Germany without a permit issued by the Allied Representatives or on their authority.

35. The German authorities will comply with all such directions as the Allied Representatives may give for the repatriation of persons not of German nationality in or passing through Germany, their property and effects, and for facilitating the movements of refugees and displaced persons.

SECTION X

36. The German authorities will furnish any information and documents, and will secure the attendance of any witnesses, required by the Allied Representatives for the trial of

(a) the principal Nazi leaders as specified by the Allied Representatives and all persons from time to time named or designated by rank, office or employment by the Allied Representatives as being suspected of having committed, ordered or abetted war crimes or analogous offences;

(b) any national of any of the United Nations who is alleged to have committed an offence against his national law and who may at any time be named or designated by rank, office or employment by the Allied Representatives;

and will give all other aid and assistance for these purposes.

37. The German authorities will

comply with any directions given by the Allied Representatives in regard to the property of any person referred to in sub-paragraphs 36 (a) and (b) above, such as its seizure, custody or surrender.

SECTION XI

38. The National Socialist German Workers' Party (NSDAP) is completely and finally abolished and declared to be illegal.

39. The German authorities will comply promptly with such directions as the Allied Representatives may issue for the abolition of the National Socialist Party and of its subordinate organizations, affiliated associations and supervised organizations, and of all Nazi public institutions created as instruments of Nazi domination, and of such other organizations as may be regarded as a threat to the security of the Allied forces or to international peace, and for prohibiting their revival in any form; for the dismissal and internment of Nazi personnel; for the control or seizure of Nazi property and funds; and for the suppression of Nazi ideology and teaching.

40. The German authorities and German nationals will not allow the existence of any secret organizations.

41. The German authorities will comply with such directions as the Allied Representatives may issue for the repeal of Nazi legislation and for the reform of German law and of the German legal, judicial, administrative, police and educational systems, including the replacement of their personnel.

42. (a) The German authorities will comply with such directions as the Allied Representatives may issue for the rescinding of German legislation involving discrimination on grounds of race, colour, creed, language or political opinions and for the cancellation of all legal or other disabilities resulting therefrom.

(b) The German authorities will

comply with such directions as the Allied Representatives may issue regarding the property, assets, rights, titles and interests of persons affected by legislation involving discrimination on grounds of race, colour, creed, language or political opinions.

43. No person shall be prosecuted or molested by the German authorities or by German nationals on grounds of race, colour, creed, language or political opinions, or on account of any dealings or sympathies with the United Nations, including the performance of any action calculated to facilitate the execution of the Declaration or of any proclamations, orders, ordinances or instructions issued thereunder.

44. In any proceedings before any German Court or authority judicial notice shall be taken of the provisions of the Declaration and of all proclamations, orders, ordinances and instructions issued thereunder, which shall override any provisions of German law inconsistent therewith.

SECTION XII

45. Without prejudice to any specific obligations contained in the provisions of the Declaration or any proclamations, orders, ordinances or instructions issued thereunder, the German authorities and any other

person in a position to do so will furnish or cause to be furnished all such information and documents of every kind, public and private, as the Allied Representatives may require.

46. The German authorities will likewise produce for interrogation and employment by the Allied Representatives upon demand any and all persons whose knowledge and experience would be useful to the Allied Representatives.

47. The Allied Representatives will have access at all times to any building, installation, establishment, property or area, and any of the contents thereof, for the purposes of the Declaration or any proclamations, orders, ordinances or instructions issued thereunder, and in particular for the purposes of safeguarding, inspecting, copying or obtaining any of the desired documents and information. The German authorities will give all necessary facilities and assistance for this purpose, including the service of all specialist staff, including archivists.

SECTION XIII

48. In the event of any doubt as to the meaning or interpretation of any term or expression in the Declaration and in any proclamations, orders, ordinances and instructions issued thereunder, the decision of the Allied Representatives shall be final.

No. 653

CHARTER of the United Nations. Signed at San Francisco, June 26, 1945.

CHARTRE des Nations Unies. Signée à San Francisco, 26 juin 1945.

EDITOR'S NOTE. This Charter, to which the Statute of the International Court of Justice (No. 654, *post*) is annexed, was adopted at the United Nations Conference on International Organization held at San Francisco, April 25-June 26, 1945. Documents of the Conference were published in fifteen volumes by United Nations Information Organizations in 1945.

Interim arrangements were concluded at the same time (No. 653a, *post*). A declaration by United Nations had been signed at Washington, January 1, 1942 (No. 611, *ante*). The Moscow declaration of October 30, 1943 (No. 628, *ante*), recognized "the necessity of establishing at the earliest practicable date a general international organization . . . for the maintenance of international peace and security." Proposals for the establishment of a general international organization were prepared at Dumbarton Oaks, Washington, August 21–October 7, 1944. U.S. Department of State, Publications Nos. 2192 and 2297, Conference Series Nos. 56 and 66; *Br. Parl. Papers*, Misc. Nos. 4 and 6 (1944), Cmd. 6560 and 6571. Provisions for voting in the proposed Security Council were agreed upon at the Crimea Conference in February 1945. 12 *U.S. Department of State Bulletin* (1945), pp. 214, 394. The first session of the General Assembly of the United Nations was held at London, January 10–February 14, 1946, and at New York, October 23–December 15, 1946. For constitutional instruments of specialized agencies of the United Nations, see No. 640, *ante*, and Nos. 664, 665, 667, 669, and 670, *post*.

RATIFICATIONS. On January 1, 1946, ratifications of this Charter had been deposited at Washington by all of the signatory states. By July 1, 1949, the following states had been admitted to membership in the United Nations: Afghanistan, Burma, Iceland, Israel, Pakistan, Sweden, Thailand, and Yemen.

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*We the Peoples of the United Nations
determined*

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

and for these ends

to practice tolerance and live together in peace with one another as good neighbors, and

to unite our strength to maintain international peace and security, and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

*have resolved to combine our efforts
to accomplish these aims.*

Accordingly, our respective Governments, through representatives

*Nous, Peuples des Nations Unies
résolus*

à préserver les générations futures du fléau de la guerre qui deux fois en l'espace d'une vie humaine a infligé à l'humanité d'indicibles souffrances,

à proclamer à nouveau notre foi dans les droits fondamentaux de l'homme, dans la dignité et la valeur de la personne humaine, dans l'égalité de droits des hommes et des femmes, ainsi que des nations, grandes et petites,

à créer les conditions nécessaires au maintien de la justice et du respect des obligations nées des traités et autres sources du droit international,

à favoriser le progrès social et instaurer de meilleures conditions de vie dans une liberté plus grande,

et à ces fins

à pratiquer la tolérance, à vivre en paix l'un avec l'autre dans un esprit de bon voisinage,

à unir nos forces pour maintenir la paix et la sécurité internationales,

à accepter des principes et instituer des méthodes garantissant qu'il ne sera pas fait usage de la force des armes, sauf dans l'intérêt commun,

à recourir aux institutions internationales pour favoriser le progrès économique et social de tous les peuples,

*avons décidé d'associer nos efforts
pour réaliser ces desseins.*

En conséquence, nos Gouvernements respectifs, par l'intermédiaire

assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

CHAPTER I

PURPOSES AND PRINCIPLES

Article 1. The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

Art. 2. The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on

de leurs représentants, réunis en la ville de San Francisco, et munis de pleins pouvoirs reconnus en bonne et due forme, ont adopté la présente Charte des Nations Unies et établissent par les présentes une organisation internationale qui prendra le nom de Nations Unies.

CHAPITRE I

BUTS ET PRINCIPES

Article 1. Les Buts des Nations Unies sont les suivants:

1. Maintenir la paix et la sécurité internationales et à cette fin: prendre des mesures collectives efficaces en vue de prévenir et d'écarter les menaces à la paix et de réprimer tout acte d'agression ou autre rupture de la paix, et réaliser, par des moyens pacifiques, conformément aux principes de la justice et du droit international, l'ajustement ou le règlement de différends ou de situations, de caractère international, susceptibles de mener à une rupture de la paix;

2. Développer entre les nations des relations amicales fondées sur le respect du principe de l'égalité de droits des peuples et de leur droit à disposer d'eux-mêmes, et prendre toutes autres mesures propres à consolider la paix du monde;

3. Réaliser la coopération internationale en résolvant les problèmes internationaux d'ordre économique, social, intellectuel ou humanitaire, en développant et en encourageant le respect des droits de l'homme et des libertés fondamentales pour tous sans distinction de race, de sexe, de langue ou de religion;

4. Etre un centre où s'harmonisent les efforts des nations vers ces fins communes.

Art. 2. L'Organisation des Nations Unies et ses Membres, dans la poursuite des Buts énoncés à l'article 1, doivent agir conformément aux Principes suivants:

1. L'Organisation est fondée sur le

the principle of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter: but this principle shall not prejudice the application of enforcement measures under Chapter VII.

principe de l'égalité souveraine de tous ses Membres.

2. Les Membres de l'Organisation, afin d'assurer à tous la jouissance des droits et avantages résultant de leur qualité de Membre, doivent remplir de bonne foi les obligations qu'ils ont assumées aux termes de la présente Charte.

3. Les Membres de l'Organisation règlent leurs différends internationaux par des moyens pacifiques, de telle manière que la paix et la sécurité internationales ainsi que la justice ne soient pas mises en danger.

4. Les Membres de l'Organisation s'abstiennent, dans leurs relations internationales, de recourir à la menace ou à l'emploi de la force, soit contre l'intégrité territoriale ou l'indépendance politique de tout Etat, soit de toute autre manière incompatible avec les Buts des Nations Unies.

5. Les Membres de l'Organisation donnent à celle-ci pleine assistance dans toute action entreprise par elle conformément aux dispositions de la présente Charte et s'abstiennent de prêter assistance à un Etat contre lequel l'Organisation entreprend une action préventive ou coercitive.

6. L'Organisation fait en sorte que les Etats qui ne sont pas Membres des Nations Unies agissent conformément à ces Principes dans la mesure nécessaire au maintien de la paix et de la sécurité internationales.

7. Aucune disposition de la présente Charte n'autorise les Nations Unies à intervenir dans des affaires qui relèvent essentiellement de la compétence nationale d'un Etat ni n'oblige les Membres à soumettre des affaires de ce genre à une procédure de règlement aux termes de la présente Charte: toutefois ce principe ne porte en rien atteinte à l'application des mesures de coercition prévues au chapitre VII.

CHAPTER II

MEMBERSHIP

Art. 3. The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 110.

Art. 4.—1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Art. 5. A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

Art. 6. A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

CHAPTER III

ORGANS

Art. 7.—1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Coun-

CHAPITRE II

MEMBRES

Art. 3. Sont Membres originaires des Nations Unies les Etats qui, ayant participé à la Conférence des Nations Unies pour l'Organisation Internationale à San Francisco ou ayant antérieurement signé la Déclaration des Nations Unies, en date du 1^{er} janvier 1942, signent la présente Charte et la ratifient conformément à l'article 110.

Art. 4.—1. Peuvent devenir Membres des Nations Unies tous autres Etats pacifiques qui acceptent les obligations de la présente Charte et, au jugement de l'Organisation, sont capables de les remplir et disposés à le faire.

2. L'admission comme Membre des Nations Unies de tout Etat remplissant ces conditions se fait par décision de l'Assemblée Générale sur recommandation du Conseil de Sécurité.

Art. 5. Un Membre de l'Organisation contre lequel une action préventive ou coercitive a été entreprise par le Conseil de Sécurité, peut être suspendu par l'Assemblée Générale, sur recommandation du Conseil de Sécurité, de l'exercice des droits et privilèges inhérents à la qualité de Membre. L'exercice de ces droits et privilèges peut être rétabli par le Conseil de Sécurité.

Art. 6. Si un Membre de l'Organisation enfreint de manière persistante les Principes énoncés dans la présente Charte, il peut être exclu de l'Organisation par l'Assemblée Générale sur recommandation du Conseil de Sécurité.

CHAPITRE III

ORGANES

Art. 7.—1. Il est créé comme organes principaux de l'Organisation des Nations Unies: une Assemblée Générale, un Conseil de Sécurité, un Conseil Economique et Social, un

cil, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

Art. 8. The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

CHAPTER IV

THE GENERAL ASSEMBLY

Composition

Art. 9.—1. The General Assembly shall consist of all the Members of the United Nations.

2. Each Member shall have not more than five representatives in the General Assembly.

Functions and Powers

Art. 10. The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Art. 11.—1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

Conseil de Tutelle, une Cour Internationale de Justice et un Secrétariat.

2. Les organes subsidiaires qui se révéleraient nécessaires pourront être créés conformément à la présente Charte.

Art. 8. Aucune restriction ne sera imposée par l'Organisation à l'accès des hommes et des femmes, dans des conditions égales, à toutes les fonctions, dans ses organes principaux et subsidiaires.

CHAPITRE IV

ASSEMBLÉE GÉNÉRALE

Composition

Art. 9.—1. L'Assemblée Générale se compose de tous les Membres des Nations Unies.

2. Chaque Membre a cinq représentants au plus à l'Assemblée Générale.

Fonctions et Pouvoirs

Art. 10. L'Assemblée Générale peut discuter toutes questions ou affaires rentrant dans le cadre de la présente Charte ou se rapportant aux pouvoirs et fonctions de l'un quelconque des organes prévus dans la présente Charte, et, sous réserve des dispositions de l'article 12, formuler sur ces questions ou affaires des recommandations aux Membres de l'Organisation des Nations Unies, au Conseil de Sécurité, ou aux Membres de l'Organisation et au Conseil de Sécurité.

Art. 11.—1. L'Assemblée Générale peut étudier les principes généraux de coopération pour le maintien de la paix et de la sécurité internationales, y compris les principes régissant le désarmement et la réglementation des armements, et faire, sur ces principes, des recommandations soit aux Membres de l'Organisation, soit au Conseil de Sécurité, soit aux Membres de l'Organisation et au Conseil de Sécurité.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

Art. 12.—1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

Art. 13.—1. The General Assembly shall initiate studies and make recommendations for the purpose of:

2. L'Assemblée Générale peut discuter toutes questions se rattachant au maintien de la paix et de la sécurité internationales, dont elle aura été saisie par l'une quelconque des Nations Unies, ou par le Conseil de Sécurité, ou par un Etat qui n'est pas Membre de l'Organisation, conformément aux dispositions de l'article 35, paragraphe 2, et, sous réserve de l'article 12, faire sur toutes questions de ce genre des recommandations soit à l'Etat ou aux Etats intéressés, soit au Conseil de Sécurité, soit aux Etats et au Conseil de Sécurité. Toute question de ce genre qui appelle une action est renvoyée au Conseil de Sécurité par l'Assemblée Générale, avant ou après discussion.

3. L'Assemblée Générale peut attirer l'attention du Conseil de Sécurité sur les situations qui semblent devoir mettre en danger la paix et la sécurité internationales.

4. Les pouvoirs de l'Assemblée Générale énumérés dans le présent article ne limitent pas la portée générale de l'article 10.

Art. 12.—1. Tant que le Conseil de Sécurité remplit, à l'égard d'un différend ou d'une situation quelconque, les fonctions qui lui sont attribuées par la présente Charte, l'Assemblée Générale ne doit faire aucune recommandation sur ce différend ou cette situation, à moins que le Conseil de Sécurité ne le lui demande.

2. Le Secrétaire Général, avec l'assentiment du Conseil de Sécurité, porte à la connaissance de l'Assemblée Générale, lors de chaque session, les affaires relatives au maintien de la paix et de la sécurité internationales dont s'occupe le Conseil de Sécurité; il avise de même l'Assemblée Générale ou, si l'Assemblée Générale ne siège pas, les Membres de l'Organisation, dès que le Conseil de Sécurité cesse de s'occuper des dites affaires.

Art. 13.—1. L'Assemblée Générale provoque des études et fait des recommandations en vue de:

a. promoting international cooperation in the political field and encouraging the progressive development of international law and its codification;

b. promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. The further responsibilities, functions, and powers of the General Assembly with respect to matters mentioned in paragraph 1 (*b*) above are set forth in Chapters IX and X.

Art. 14. Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

Art. 15.—1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

Art. 16.—The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

a. développer la coopération internationale dans le domaine politique et encourager le développement progressif du droit international et sa codification;

b. développer la coopération internationale dans les domaines économique, social, de la culture intellectuelle et de l'éducation, de la santé publique, et faciliter pour tous, sans distinction de race, de sexe, de langue ou de religion, la jouissance des droits de l'homme et des libertés fondamentales.

2. Les autres responsabilités, fonctions et pouvoirs de l'Assemblée Générale, relativement aux questions mentionnées au paragraphe 1 *b* ci-dessus sont énoncés aux chapitres IX et X.

Art. 14. Sous réserve des dispositions de l'article 12, l'Assemblée Générale peut recommander les mesures propres à assurer l'ajustement pacifique de toute situation, quelle qu'en soit l'origine, qui lui semble de nature à nuire au bien général ou à compromettre les relations amicales entre nations, y compris les situations résultant d'une infraction aux dispositions de la présente Charte où sont énoncés les Buts et les Principes des Nations Unies.

Art. 15.—1. L'Assemblée Générale reçoit et étudie les rapports annuels et les rapports spéciaux du Conseil de Sécurité; ces rapports comprennent un compte-rendu des mesures que le Conseil de Sécurité a décidées ou prises pour maintenir la paix et la sécurité internationales.

2. L'Assemblée Générale reçoit et étudie les rapports des autres organes de l'Organisation.

Art. 16. L'Assemblée Générale remplit, en ce qui concerne le régime international de Tutelle, les fonctions qui lui sont dévolues en vertu des chapitres XII et XIII; entre autres, elle approuve les accords de Tutelle relatifs aux zones non désignées comme zones stratégiques.

Art. 17.—1. The General Assembly shall consider and approve the budget of the Organization.

2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.

3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

Voting

Art. 18.—1. Each member of the General Assembly shall have one vote.

2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

Art. 19. A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if

Art. 17.—1. L'Assemblée Générale examine et approuve le budget de l'Organisation.

2. Les dépenses de l'Organisation sont supportées par les Membres selon la répartition fixée par l'Assemblée Générale.

3. L'Assemblée Générale examine et approuve tous arrangements financiers et budgétaires passés avec les institutions spécialisées visées à l'article 57 et examine les budgets administratifs desdites institutions en vue de leur adresser des recommandations.

Vote

Art. 18.—1. Chaque membre de l'Assemblée Générale dispose d'une voix.

2. Les décisions de l'Assemblée Générale sur les questions importantes sont prises à la majorité des deux-tiers des membres présents et votant. Sont considérées comme questions importantes: les recommandations relatives au maintien de la paix et de la sécurité internationales, l'élection des membres non permanents du Conseil de Sécurité, l'élection des membres du Conseil Economique et Social, l'élection des membres du Conseil de Tutelle conformément au paragraphe 1 c de l'article 86, l'admission de nouveaux Membres dans l'Organisation, la suspension des droits et privilèges de Membres, l'exclusion de Membres, les questions relatives au fonctionnement du régime de Tutelle et les questions budgétaires.

3. Les décisions sur d'autres questions, y compris la détermination de nouvelles catégories de questions à trancher à la majorité des deux-tiers, sont prises à la majorité des membres présents et votant.

Art. 19. Un Membre des Nations Unies en retard dans le paiement de sa contribution aux dépenses de l'Organisation ne peut participer au vote à l'Assemblée Générale si le

the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

Procedure

Art. 20. The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

Art. 21. The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

Art. 22. The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

CHAPTER V

THE SECURITY COUNCIL

Composition

Art. 23.—I. The Security Council shall consist of eleven Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect six other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

montant de ses arriérés est égal ou supérieur à la contribution due par lui pour les deux années complètes écoulées. L'Assemblée Générale peut néanmoins autoriser ce Membre à participer au vote si elle constate que le manquement est dû à des circonstances indépendantes de sa volonté.

Procédure

Art. 20. L'Assemblée Générale tient une session annuelle régulière et, lorsque les circonstances l'exigent, des sessions extraordinaires. Celles-ci sont convoquées par le Secrétaire Général sur la demande du Conseil de Sécurité ou de la majorité des Membres des Nations Unies.

Art. 21. L'Assemblée Générale établit son règlement intérieur. Elle désigne son Président pour chaque session.

Art. 22. L'Assemblée Générale peut créer les organes subsidiaires qu'elle juge nécessaires à l'exercice de ses fonctions.

CHAPITRE V

CONSEIL DE SÉCURITÉ

Composition

Art. 23.—I. Le Conseil de Sécurité se compose de onze Membres de l'Organisation. La République de Chine, la France, l'Union des Républiques Soviétiques Socialistes, le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et les Etats-Unis d'Amérique sont membres permanents du Conseil de Sécurité. Six autres Membres de l'Organisation sont élus, à titre de membres non permanents du Conseil de Sécurité, par l'Assemblée Générale qui tient spécialement compte, en premier lieu, de la contribution des Membres de l'Organisation au maintien de la paix et de la sécurité internationales et aux autres fins de l'Organisation, et aussi d'une répartition géographique équitable.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members, however, three shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

Functions and Powers

Art. 24.—1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

Art. 25. The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

Art. 26. In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

2. Les membres non permanents du Conseil de Sécurité sont élus pour une période de deux ans. Toutefois, lors de la première élection des membres non permanents, trois seront élus pour une période d'un an. Les membres sortants ne sont pas immédiatement rééligibles.

3. Chaque membre du Conseil de Sécurité a un représentant au Conseil.

Fonctions et Pouvoirs

Art. 24.—1. Afin d'assurer l'action rapide et efficace de l'Organisation, ses Membres confèrent au Conseil de Sécurité la responsabilité principale du maintien de la paix et de la sécurité internationales et reconnaissent qu'en s'acquittant des devoirs que lui impose cette responsabilité, le Conseil de Sécurité agit en leur nom.

2. Dans l'accomplissement de ces devoirs, le Conseil de Sécurité agit conformément aux Buts et Principes des Nations Unies. Les pouvoirs spécifiques accordés au Conseil de Sécurité pour lui permettre d'accomplir lesdits devoirs sont définis aux chapitres VI, VII, VIII et XII.

3. Le Conseil de Sécurité soumet pour examen des rapports annuels et, le cas échéant, des rapports spéciaux à l'Assemblée Générale.

Art. 25. Les Membres de l'Organisation conviennent d'accepter et d'appliquer les décisions du Conseil de Sécurité conformément à la présente Charte.

Art. 26. Afin de favoriser l'établissement et le maintien de la paix et de la sécurité internationales en ne détournant vers les armements que le minimum des ressources humaines et économiques du monde, le Conseil de Sécurité est chargé, avec l'assistance du Comité d'Etat-Major prévu à l'article 47, d'élaborer des plans qui seront soumis aux Membres de l'Organisation en vue d'établir un système de réglementation des armements.

Voting

Art. 27.—I. Each member of the Security Council shall have one vote.

2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

Procedure

Art. 28.—I. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.

2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.

3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

Art. 29. The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

Art. 30. The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

Art. 31. Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever

Vote

Art. 27.—I. Chaque membre du Conseil de Sécurité dispose d'une voix.

2. Les décisions du Conseil de Sécurité sur des questions de procédure sont prises par un vote affirmatif de sept membres.

3. Les décisions du Conseil de Sécurité sur toutes autres questions sont prises par un vote affirmatif de sept de ses membres dans lequel sont comprises les voix de tous les membres permanents, étant entendu que, dans les décisions prises aux termes du chapitre VI et du paragraphe 3 de l'article 52, une partie à un différend s'abstient de voter.

Procédure

Art. 28.—I. Le Conseil de Sécurité est organisé de manière à pouvoir exercer ses fonctions en permanence. A cet effet, chaque membre du Conseil de Sécurité doit avoir en tout temps un représentant au siège de l'Organisation.

2. Le Conseil de Sécurité tient des réunions périodiques auxquelles chacun de ses membres peut, s'il le désire, se faire représenter par un membre de son gouvernement ou par quelqu'autre représentant spécialement désigné.

3. Le Conseil de Sécurité peut tenir des réunions à tous endroits autres que le siège de l'Organisation qu'il juge les plus propres à faciliter sa tâche.

Art. 29. Le Conseil de Sécurité peut créer les organes subsidiaires qu'il juge nécessaires à l'exercice de ses fonctions.

Art. 30. Le Conseil de Sécurité établit son règlement intérieur, dans lequel il fixe le mode de désignation de son Président.

Art. 31. Tout Membre de l'Organisation qui n'est pas membre du Conseil de Sécurité, peut participer, sans droit de vote, à la discussion de toute question soumise au Conseil de Sécurité, chaque fois que celui-ci

the latter considers that the interests of that Member are specially affected.

Art. 32. Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

CHAPTER VI

PACIFIC SETTLEMENT OF DISPUTES

Art. 33.—1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Art. 34. The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Art. 35.—1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

2. A state which is not a Member of the United Nations may bring to the attention of the Security Coun-

estime que les intérêts de ce Membre sont particulièrement affectés.

Art. 32. Tout Membre des Nations Unies qui n'est pas membre du Conseil de Sécurité ou tout Etat qui n'est pas Membre des Nations Unies, s'il est partie à un différend examiné par le Conseil de Sécurité, est convié à participer, sans droit de vote, aux discussions relatives à ce différend. Le Conseil de Sécurité détermine les conditions qu'il estime juste de mettre à la participation d'un Etat qui n'est pas Membre de l'Organisation.

CHAPITRE VI

RÈGLEMENT PACIFIQUE DES DIFFÉRENDS

Art. 33.—1. Les parties à tout différend dont la prolongation est susceptible de menacer le maintien de la paix et de la sécurité internationales, doivent en rechercher la solution, avant tout, par voie de négociation, d'enquête, de médiation, de conciliation, d'arbitrage, de règlement judiciaire, de recours aux organismes ou accords régionaux, ou par d'autres moyens pacifiques de leur choix.

2. Le Conseil de Sécurité, s'il le juge nécessaire, invite les parties à régler leur différend par de tels moyens.

Art. 34. Le Conseil de Sécurité peut enquêter sur tout différend ou toute situation qui pourrait entraîner un désaccord entre nations ou engendrer un différend, afin de déterminer si la prolongation de ce différend ou de cette situation semble devoir menacer le maintien de la paix et de la sécurité internationales.

Art. 35.—1. Tout Membre de l'Organisation peut attirer l'attention du Conseil de Sécurité ou de l'Assemblée Générale sur un différend ou une situation de la nature visée dans l'article 34.

2. Un Etat qui n'est pas Membre de l'Organisation peut attirer l'attention du Conseil de Sécurité ou de

cil or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Art. 36.—1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Art. 37.—1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Art. 38. Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

l'Assemblée Générale sur tout différend auquel il est partie, pourvu qu'il accepte préalablement, aux fins de ce différend, les obligations de règlement pacifique prévues dans la présente Charte.

3. Les actes de l'Assemblée Générale relativement aux affaires portées à son attention en vertu du présent article sont soumis aux dispositions des articles 11 et 12.

Art. 36.—1. Le Conseil de Sécurité peut, à tout moment de l'évolution d'un différend de la nature mentionnée à l'article 33 ou d'une situation analogue, recommander les procédures ou méthodes d'ajustement appropriées.

2. Le Conseil de Sécurité devra prendre en considération toutes procédures déjà adoptées par les parties pour le règlement de ce différend.

3. En faisant les recommandations prévues au présent article, le Conseil de Sécurité doit aussi tenir compte du fait que, d'une manière générale, les différends d'ordre juridique devraient être soumis par les parties à la Cour Internationale de Justice conformément aux dispositions du Statut de la Cour.

Art. 37.—1. Si les parties à un différend de la nature mentionnée à l'article 33 ne réussissent pas à le régler par les moyens indiqués audit article, elles le soumettent au Conseil de Sécurité.

2. Si le Conseil de Sécurité estime que la prolongation du différend semble, en fait, menacer le maintien de la paix et de la sécurité internationales, il décide s'il doit agir en application de l'article 36 ou recommander tels termes de règlement qu'il juge appropriés.

Art. 38. Sans préjudice des dispositions des articles 33 à 37, le Conseil de Sécurité peut, si toutes les parties à un différend le demandent, faire des recommandations à celles-ci en vue d'un règlement pacifique de ce différend.

CHAPTER VII

ACTION WITH RESPECT TO THREATS
TO THE PEACE, BREACHES OF THE
PEACE, AND ACTS OF AGGRESSION

Art. 39. The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Art. 40. In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Art. 41. The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Art. 42. Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstra-

CHAPITRE VII

ACTION EN CAS DE MENACE CONTRE
LE PAIX, DE RUPTURE DE LA PAIX
ET D'ACTE D'AGRESSION

Art. 39. Le Conseil de Sécurité constate l'existence d'une menace contre la paix, d'une rupture de la paix ou d'un acte d'agression et fait des recommandations ou décide quelles mesures seront prises conformément aux articles 41 et 42 pour maintenir ou rétablir la paix et la sécurité internationales.

Art. 40. Afin d'empêcher la situation de s'aggraver, le Conseil de Sécurité, avant de faire les recommandations ou de décider des mesures à prendre conformément à l'article 39, peut inviter les parties intéressées à se conformer aux mesures provisoires qu'il juge nécessaires ou souhaitables. Ces mesures provisoires ne préjugent en rien les droits, les prétentions ou la position des parties intéressées. En cas de non exécution de ces mesures provisoires, le Conseil de Sécurité tient dûment compte de cette défaillance.

Art. 41. Le Conseil de Sécurité peut décider quelles mesures n'impliquant pas l'emploi de la force armée doivent être prises pour donner effet à ses décisions, et peut inviter les Membres des Nations Unies à appliquer ces mesures. Celles-ci peuvent comprendre l'interruption complète ou partielle des relations économiques et des communications ferroviaires, maritimes, aériennes, postales, télégraphiques, radio-électriques et des autres moyens de communication, ainsi que la rupture des relations diplomatiques.

Art. 42. Si le Conseil de Sécurité estime que les mesures prévues à l'article 41 seraient inadéquates ou qu'elles se sont révélées telles, il peut entreprendre, au moyen de forces aériennes, navales ou terrestres, toute action qu'il juge nécessaire au maintien ou au rétablissement de la paix et de la sécurité internationales.

tions, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Art. 43.—1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Art. 44. When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfillment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Art. 45. In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of

Cette action peut comprendre des démonstrations, des mesures de blocus et d'autres opérations exécutées par des forces aériennes, navales ou terrestres de Membres des Nations Unies.

Art. 43.—1. Tous les Membres des Nations Unies, afin de contribuer au maintien de la paix et de la sécurité internationales, s'engagent à mettre à la disposition du Conseil de Sécurité, sur son invitation et conformément à un accord spécial ou à des accords spéciaux, les forces armées, l'assistance et les facilités, y compris le droit de passage, nécessaires au maintien de la paix et de la sécurité internationales.

2. L'accord ou les accords susvisés fixeront les effectifs et la nature de ces forces, leur degré de préparation et leur emplacement général, ainsi que la nature des facilités et de l'assistance à fournir.

3. L'accord ou les accords seront négociés aussitôt que possible, sur l'initiative du Conseil de Sécurité. Ils seront conclus entre le Conseil de Sécurité et des Membres de l'Organisation, ou entre le Conseil de Sécurité et des groupes de Membres de l'Organisation, et devront être ratifiés par les Etats signataires selon leurs règles constitutionnelles respectives.

Art. 44. Lorsque le Conseil de Sécurité a décidé de recourir à la force, il doit, avant d'inviter un Membre non représenté au Conseil à fournir des forces armées en exécution des obligations contractées en vertu de l'article 43, convier ledit Membre, si celui-ci le désire, à participer aux décisions du Conseil de Sécurité touchant l'emploi de contingents des forces armées de ce Membre.

Art. 45. Afin de permettre à l'Organisation de prendre d'urgence des mesures d'ordre militaire, des Membres des Nations Unies maintiendront des contingents nationaux de forces aériennes immédiatement utilisables en vue de l'exécution com-

these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Art. 46. Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Art. 47.—1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional subcommittees.

Art. 48.—1. The action required to carry out the decisions of the Security Council for the mainte-

binée d'une action coercitive internationale. Dans les limites prévues par l'accord spécial ou les accords spéciaux mentionnés à l'article 43, le Conseil de Sécurité, avec l'aide du Comité d'Etat-Major, fixe l'importance et le degré de préparation de ces contingents et établit des plans prévoyant leur action combinée.

Art. 46. Les plans pour l'emploi de la force armée sont établis par le Conseil de Sécurité avec l'aide du Comité d'Etat-Major.

Art. 47.—1. Il est établi un Comité d'Etat-Major chargé de conseiller et d'assister le Conseil de Sécurité pour tout ce qui concerne les moyens d'ordre militaire nécessaires au Conseil pour maintenir la paix et la sécurité internationales, l'emploi et le commandement des forces mises à sa disposition, la réglementation des armements et le désarmement éventuel.

2. Le Comité d'Etat-Major se compose des chefs d'Etat-Major des membres permanents du Conseil de Sécurité ou de leurs représentants. Il convie tout Membre des Nations Unies qui n'est pas représenté au Comité d'une façon permanente à s'associer à lui, lorsque la participation de ce Membre à ses travaux lui est nécessaire pour la bonne exécution de sa tâche.

3. Le Comité d'Etat-Major est responsable, sous l'autorité du Conseil de Sécurité, de la direction stratégique de toutes forces armées mises à la disposition du Conseil. Les questions relatives au commandement de ces forces seront réglées ultérieurement.

4. Des sous-comités régionaux du Comité d'Etat-Major peuvent être établis par lui avec l'autorisation du Conseil de Sécurité et après consultation des organismes régionaux appropriés.

Art. 48.—1. Les mesures nécessaires à l'exécution des décisions du Conseil de Sécurité pour le maintien

nance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Art. 49. The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Art. 50. If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Art. 51. Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

CHAPTER VIII

REGIONAL ARRANGEMENTS

Art. 52.—1. Nothing in the present Charter precludes the existence

de la paix et de la sécurité internationales sont prises par tous les Membres des Nations Unies ou certains d'entre eux, selon l'appréciation du Conseil.

2. Ces décisions sont exécutées par les Membres des Nations Unies directement et grâce à leur action dans les organismes internationaux appropriés dont ils font partie.

Art. 49. Les Membres des Nations Unies s'associent pour se prêter mutuellement assistance dans l'exécution des mesures arrêtées par le Conseil de Sécurité.

Art. 50. Si un Etat est l'objet de mesures préventives ou coercitives prises par le Conseil de Sécurité, tout autre Etat, qu'il soit ou non Membre des Nations Unies, s'il se trouve en présence de difficultés économiques particulières dues à l'exécution desdites mesures, a le droit de consulter le Conseil de Sécurité au sujet de la solution de ces difficultés.

Art. 51. Aucune disposition de la présente Charte ne porte atteinte au droit naturel de légitime défense, individuelle ou collective, dans le cas où un Membre des Nations Unies est l'objet d'une agression armée, jusqu'à ce que le Conseil de Sécurité ait pris les mesures nécessaires pour maintenir la paix et la sécurité internationales. Les mesures prises par des Membres dans l'exercice de ce droit de légitime défense sont immédiatement portées à la connaissance du Conseil de Sécurité et n'affectent en rien le pouvoir et le devoir qu'a le Conseil, en vertu de la présente Charte, d'agir à tout moment de la manière qu'il juge nécessaire pour maintenir ou rétablir la paix et la sécurité internationales.

CHAPITRE VIII

ACCORDS RÉGIONAUX

Art. 52.—1. Aucune disposition de la présente Charte ne s'oppose à

of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

Art. 53.—1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies

l'existence d'accords ou d'organismes régionaux destinés à régler les affaires qui, touchant au maintien de la paix et de la sécurité internationales, se prêtent à une action de caractère régional, pourvu que ces accords ou ces organismes et leur activité soient compatibles avec les Buts et les Principes des Nations Unies.

2. Les Membres des Nations Unies qui concluent ces accords ou constituent ces organismes doivent faire tous leurs efforts pour régler d'une manière pacifique, par le moyen desdits accords ou organismes, les différends d'ordre local, avant de les soumettre au Conseil de Sécurité.

3. Le Conseil de Sécurité encourage le développement du règlement pacifique des différends d'ordre local par le moyen de ces accords ou de ces organismes régionaux, soit sur l'initiative des Etats intéressés, soit sur renvoi du Conseil de Sécurité.

4. Le présent article n'affecte en rien l'application des articles 34 et 35.

Art. 53.—1. Le Conseil de Sécurité utilise, s'il y a lieu, les accords ou organismes régionaux pour l'application des mesures coercitives prises sous son autorité. Toutefois, aucune action coercitive ne sera entreprise en vertu d'accords régionaux ou par des organismes régionaux sans l'autorisation du Conseil de Sécurité; sont exceptées les mesures contre tout Etat ennemi au sens de la définition donnée au paragraphe 2 du présent article, prévues en application de l'article 107 ou dans les accords régionaux dirigés contre la reprise, par un tel Etat, d'une politique d'agression, jusqu'au moment où l'Organisation pourra, à la demande des gouvernements intéressés, être chargée de la tâche de prévenir toute nouvelle agression de la part d'un tel Etat.

2. Le terme "Etat ennemi," employé au paragraphe 1 du présent

to any state which during the Second World War has been an enemy of any signatory of the present Charter.

Art. 54. The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

CHAPTER IX

INTERNATIONAL ECONOMIC AND SOCIAL COOPERATION

Art. 55. With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

a. higher standards of living, full employment, and conditions of economic and social progress and development;

b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and

c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Art. 56. All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

Art. 57.—1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in

article, s'applique à tout Etat qui, au cours de la seconde guerre mondiale, a été l'ennemi de l'un quelconque des signataires de la présente Charte.

Art. 54. Le Conseil de Sécurité doit, en tout temps, être tenu pleinement au courant de toute action entreprise ou envisagée en vertu d'accords régionaux ou par des organismes régionaux, pour le maintien de la paix et de la sécurité internationales.

CHAPITRE IX

COOPÉRATION ÉCONOMIQUE ET SOCIALE INTERNATIONALE

Art. 55. En vue de créer les conditions de stabilité et de bien-être nécessaires pour assurer entre les nations des relations pacifiques et amicales fondées sur le respect du principe de l'égalité des droits des peuples et de leur droit à disposer d'eux-mêmes, les Nations Unies favoriseront:

a. le relèvement des niveaux de vie, le plein emploi et des conditions de progrès et de développement dans l'ordre économique et social;

b. la solution des problèmes internationaux dans les domaines économique, social, de la santé publique et autres problèmes connexes; et la coopération internationale dans les domaines de la culture intellectuelle et de l'éducation;

c. le respect universel et effectif des droits de l'homme et des libertés fondamentales pour tous, sans distinction de race, de sexe, de langue ou de religion.

Art. 56. Les Membres s'engagent, en vue d'atteindre les buts énoncés à l'article 55, à agir, tant conjointement que séparément, en coopération avec l'Organisation.

Art. 57.—1. Les diverses institutions spécialisées créées par accords intergouvernementaux et pourvues, aux termes de leurs statuts, d'attributions internationales étendues dans

economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

Art. 58. The Organization shall make recommendations for the co-ordination of the policies and activities of the specialized agencies.

Art. 59. The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

Art. 60. Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

CHAPTER X

THE ECONOMIC AND SOCIAL COUNCIL

Composition

Art. 61.—1. The Economic and Social Council shall consist of eighteen Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, six members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election, eighteen members of the Economic and Social Council shall be chosen. The term of office of six members so chosen shall expire at the end of one year, and of six other members at the end

les domaines économique, social, de la culture intellectuelle et de l'éducation, de la santé publique et autres domaines connexes, sont reliées à l'Organisation conformément aux dispositions de l'article 63.

2. Les institutions ainsi reliées à l'Organisation sont désignées ci-après par l'expression "Institutions spécialisées".

Art. 58. L'Organisation fait des recommandations en vue de coordonner les programmes et activités des institutions spécialisées.

Art. 59. L'Organisation provoque, lorsqu'il y a lieu, des négociations entre les Etats intéressés en vue de la création de toutes nouvelles institutions spécialisées nécessaires pour atteindre les buts énoncés à l'article 55.

Art. 60. L'Assemblée Générale et, sous son autorité, le Conseil Economique et Social qui dispose à cet effet des pouvoirs qui lui sont attribués aux termes du Chapitre X, sont chargés de remplir les fonctions de l'Organisation énoncées au présent chapitre.

CHAPITRE X

CONSEIL ÉCONOMIQUE ET SOCIAL

Composition

Art. 61.—1. Le Conseil Economique et Social se compose de dix-huit Membres des Nations Unies, élus par l'Assemblée Générale.

2. Sous réserve des dispositions du paragraphe 3, six membres du Conseil Economique et Social sont élus chaque année pour une période de trois ans. Les membres sortants sont immédiatement rééligibles.

3. Dix-huit membres du Conseil Economique et Social sont désignés lors de la première élection. Le mandat de six de ces membres expirera au bout d'un an et celui de six autres membres, au bout de

of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

Functions and Powers

Art. 62.—1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

Art. 63.—1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may coordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

Art. 64.—1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may

deux ans, selon les dispositions prises par l'Assemblée Générale.

4. Chaque membre du Conseil Economique et Social a un représentant au Conseil.

Fonctions et Pouvoirs

Art. 62.—1. Le Conseil Economique et Social peut faire ou provoquer des études et des rapports sur des questions internationales dans les domaines économique, social, de la culture intellectuelle et de l'éducation, de la santé publique et autres domaines connexes et peut adresser des recommandations sur toutes ces questions à l'Assemblée Générale, aux Membres de l'Organisation et aux institutions spécialisées intéressées.

2. Il peut faire des recommandations en vue d'assurer le respect effectif des droits de l'homme et des libertés fondamentales pour tous.

3. Il peut, sur des questions de sa compétence, préparer des projets de convention pour les soumettre à l'Assemblée Générale.

4. Il peut convoquer, conformément aux règles fixées par l'Organisation, des conférences internationales sur des questions de sa compétence.

Art. 63.—1. Le Conseil Economique et Social peut conclure avec toute institution visée à l'article 57, des accords fixant les conditions dans lesquelles cette institution sera reliée à l'Organisation. Ces accords sont soumis à l'approbation de l'Assemblée Générale.

2. Il peut coordonner l'activité des institutions spécialisées en se concertant avec elles, en leur adressant des recommandations, ainsi qu'en adressant des recommandations à l'Assemblée Générale et aux Membres des Nations Unies.

Art. 64.—1. Le Conseil Economique et Social peut prendre toutes mesures utiles pour recevoir des rapports réguliers des institutions

make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

Art. 65. The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

Art. 66.—1. The Economic and Social Council shall perform such functions as fall within its competence in connection with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

Voting

Art. 67.—1. Each member of the Economic and Social Council shall have one vote.

2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

Procedure

Art. 68. The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

Art. 69. The Economic and Social Council shall invite any Member

spécialisées. Il peut s'entendre avec les Membres de l'Organisation et avec les institutions spécialisées afin de recevoir des rapports sur les mesures prises en exécution de ses propres recommandations et des recommandations de l'Assemblée Générale sur des objets relevant de la compétence du Conseil.

2. Il peut communiquer à l'Assemblée Générale ses observations sur ces rapports.

Art. 65. Le Conseil Economique et Social peut fournir des informations au Conseil de Sécurité et l'assister si celui-ci le demande.

Art. 66.—1. Le Conseil Economique et Social, dans l'exécution des recommandations de l'Assemblée Générale, s'acquitte de toutes les fonctions qui entrent dans sa compétence.

2. Il peut, avec l'approbation de l'Assemblée Générale, rendre les services qui lui seraient demandés par des Membres de l'Organisation ou par des institutions spécialisées.

3. Il s'acquitte des autres fonctions qui lui sont dévolues dans d'autres parties de la présente Charte ou qui peuvent lui être attribuées par l'Assemblée Générale.

Vote

Art. 67.—1. Chaque membre du Conseil Economique et Social dispose d'une voix.

2. Les décisions du Conseil Economique et Social sont prises à la majorité des membres présents et votant.

Procédure

Art. 68. Le Conseil Economique et Social institue des commissions pour les questions économiques et sociales et le progrès des droits de l'homme ainsi que toutes autres commissions nécessaires à l'exercice de ses fonctions.

Art. 69. Le Conseil Economique et Social, lorsqu'il examine une ques-

of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

Art. 70. The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

Art. 71. The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

Art. 72.—1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

CHAPTER XI

DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

Art. 73. Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the

tion qui intéresse particulièrement un Membre de l'Organisation, convie celui-ci à participer, sans droit de vote, à ses délibérations.

Art. 70. Le Conseil Economique et Social peut prendre toutes dispositions pour que des représentants des institutions spécialisées participent, sans droit de vote, à ses délibérations et à celles des commissions instituées par lui, et pour que ses propres représentants participent aux délibérations des institutions spécialisées.

Art. 71. Le Conseil Economique et Social peut prendre toutes dispositions utiles pour consulter les organisations non gouvernementales qui s'occupent de questions relevant de sa compétence. Ces dispositions peuvent s'appliquer à des organisations internationales et, s'il y a lieu, à des organisations nationales après consultation du Membre intéressé de l'Organisation.

Art. 72.—1. Le Conseil Economique et Social adopte son règlement intérieur dans lequel il fixe le mode de désignation de son Président.

2. Il se réunit selon les besoins conformément à son règlement; celui-ci comportera des dispositions prévoyant la convocation du Conseil sur la demande de la majorité de ses membres.

CHAPITRE XI

DÉCLARATION RELATIVE AUX TERRI- TOIRES NON AUTONOMES

Art. 73. Les Membres des Nations Unies qui ont ou qui assument la responsabilité d'administrer des territoires dont les populations ne s'administrent pas encore complètement elles-mêmes, reconnaissent le principe de la primauté des intérêts des habitants de ces territoires. Ils acceptent comme une mission sacrée l'obligation de favoriser dans toute la mesure du possible leur prospérité, dans le cadre du système de paix et de sécurité internationales établi

inhabitants of these territories, and, to this end:

a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

c. to further international peace and security;

d. to promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Art. 74. Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighborliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

par la présente Charte et, à cette fin:

a. d'assurer, en respectant la culture des populations en question, leur progrès politique, économique et social, ainsi que le développement de leur instruction, de les traiter avec équité et de les protéger contre les abus;

b. de développer leur capacité de s'administrer elles-mêmes, de tenir compte des aspirations politiques des populations et de les aider dans le développement progressif de leurs libres institutions politiques, dans la mesure appropriée aux conditions particulières de chaque territoire et de ses populations et à leurs degrés variables de développement;

c. d'affirmer la paix et la sécurité internationales;

d. de favoriser des mesures constructives de développement, d'encourager des travaux de recherche, de coopérer entre eux et, quand les circonstances s'y prêteront, avec les organismes internationaux spécialisés, en vue d'atteindre effectivement les buts sociaux, économiques et scientifiques énoncés au présent article;

e. de communiquer régulièrement au Secrétaire Général, à titre d'information, sous réserve des exigences de la sécurité et de considérations d'ordre constitutionnel, des renseignements statistiques et autres de nature technique relatifs aux conditions économiques, sociales et de l'instruction dans les territoires dont ils sont respectivement responsables, autres que ceux auxquels s'appliquent les chapitres XII et XIII.

Art. 74. Les Membres de l'Organisation reconnaissent aussi que leur politique doit être fondée, autant dans les territoires auxquels s'applique le présent chapitre que dans leurs territoires métropolitains, sur le principe général du bon voisinage dans le domaine social, économique et commercial, compte tenu des intérêts et de la prospérité du reste du monde.

CHAPTER XII

INTERNATIONAL TRUSTEESHIP SYSTEM

Art. 75. The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

Art. 76. The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article I of the present Charter, shall be:

a. to further international peace and security;

b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;

c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and

d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Art. 77.—1. The trusteeship system shall apply to such territories in

CHAPITRE XII

RÉGIME INTERNATIONAL DE TUTELLE

Art. 75. L'Organisation des Nations Unies établira, sous son autorité, un régime international de Tutelle pour l'administration et la surveillance des territoires qui pourront être placés sous ce régime en vertu d'accords particuliers ultérieurs. Ces territoires sont désignés ci-après par l'expression "territoires sous Tutelle".

Art. 76. Conformément aux Buts des Nations Unies, énoncés à l'article I de la présente Charte, les fins essentielles du régime de Tutelle sont les suivantes:

a. affermir la paix et la sécurité internationales;

b. favoriser le progrès politique, économique et social des populations des territoires sous Tutelle ainsi que le développement de leur instruction; favoriser également leur évolution progressive vers la capacité à s'administrer eux-mêmes ou l'indépendance, compte tenu des conditions particulières à chaque territoire et à ses populations, des aspirations librement exprimées des populations intéressées et des dispositions qui pourront être prévues dans chaque accord de Tutelle;

c. encourager le respect des droits de l'homme et des libertés fondamentales pour tous, sans distinction de race, de sexe, de langue ou de religion, et développer le sentiment de l'interdépendance des peuples du monde;

d. assurer l'égalité de traitement dans le domaine social, économique et commercial à tous les Membres de l'Organisation et à leurs ressortissants; assurer de même à ces derniers l'égalité de traitement dans l'administration de la justice, sans porter préjudice à la réalisation des fins énoncées ci-dessus, et sous réserve des dispositions de l'article 80.

Art. 77.—1. Le régime de Tutelle s'appliquera aux territoires entrant

the following categories as may be placed thereunder by means of trusteeship agreements:

a. territories now held under mandate;

b. territories which may be detached from enemy states as a result of the Second World War; and

c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

Art. 78. The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

Art. 79. The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

Art. 80.—1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the

dans les catégories ci-dessous et qui viendraient à être placés sous ce régime en vertu d'accords de Tutelle:

a. territoires actuellement sous mandat;

b. territoires qui peuvent être détachés d'Etats ennemis par suite de la seconde guerre mondiale;

c. territoires volontairement placés sous ce régime par les Etats responsables de leur administration.

2. Un accord ultérieur déterminera quels territoires, entrant dans les catégories susmentionnées, seront placés sous le régime de Tutelle, et dans quelles conditions.

Art. 78. Le régime de Tutelle ne s'appliquera pas aux pays devenus Membres des Nations Unies, les relations entre celles-ci devant être fondées sur le respect du principe de l'égalité souveraine.

Art. 79. Les termes du régime de Tutelle, pour chacun des territoires à placer sous ce régime, de même que les modifications et amendements qui peuvent y être apportés, feront l'objet d'un accord entre les Etats directement intéressés, y compris la Puissance mandataire dans le cas de territoires sous mandat d'un Membre des Nations Unies, et seront approuvés conformément aux articles 83 et 85.

Art. 80.—1. A l'exception de ce qui peut être convenu dans les accords particuliers de Tutelle conclus conformément aux articles 77, 79 et 81 et plaçant chaque territoire sous le régime de Tutelle, et jusqu'à ce que ces accords aient été conclus, aucune disposition du présent chapitre ne sera interprétée comme modifiant directement ou indirectement en aucune manière, les droits quelconques d'aucun Etat ou d'aucun peuple ou les dispositions d'actes internationaux en vigueur auxquels des Membres de l'Organisation peuvent être parties.

2. Le paragraphe 1 du présent article ne doit pas être interprété comme motivant un retard ou un

negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Art. 81. The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

Art. 82. There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

Art. 83.—1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

Art. 84. It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces,

ajournement de la négociation et de la conclusion d'accords destinés à placer sous le régime de Tutelle des territoires sous mandat ou d'autres territoires ainsi qu'il est prévu à l'article 77.

Art. 81. L'accord de Tutelle comprend dans chaque cas, les conditions dans lesquelles le territoire sous Tutelle sera administré et désigne l'autorité qui en assurera l'administration. Cette autorité, désignée ci-après par l'expression "autorité chargée de l'administration", peut être constituée par un ou plusieurs Etats ou par l'Organisation elle-même.

Art. 82. Un accord de Tutelle peut désigner une ou plusieurs zones stratégiques pouvant comprendre tout ou partie du territoire sous Tutelle auquel l'accord s'applique, sans préjudice de tout accord spécial ou de tous accords spéciaux conclus en application de l'article 43.

Art. 83.—1. En ce qui concerne les zones stratégiques, toutes les fonctions dévolues à l'Organisation, y compris l'approbation des termes des accords de Tutelle ainsi que de la modification ou de l'amendement éventuels de ceux-ci, sont exercées par le Conseil de Sécurité.

2. Les fins essentielles énoncées à l'article 76 valent pour la population de chacune des zones stratégiques.

3. Le Conseil de Sécurité, eu égard aux dispositions des accords de Tutelle et sous réserve des exigences de la sécurité, aura recours à l'assistance du Conseil de Tutelle dans l'exercice des fonctions assumées par l'Organisation au titre du régime de Tutelle, en matière politique économique et sociale, et en matière d'instruction, dans les zones stratégiques.

Art. 84. L'autorité chargée de l'administration a le devoir de veiller à ce que le territoire sous Tutelle apporte sa contribution au maintien de la paix et de la sécurité internationales. A cette fin, elle peut utiliser des contingents de

facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defense and the maintenance of law and order within the trust territory.

Art. 85.—1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

CHAPTER XIII

THE TRUSTEESHIP COUNCIL

Composition

Art. 86.—1. The Trusteeship Council shall consist of the following Members of the United Nations:

a. those Members administering trust territories;

b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and

c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

Functions and Powers

Art. 87. The General Assembly and, under its authority, the Trus-

volontaires, les facilités et l'aide du territoire sous Tutelle pour remplir les obligations qu'elle a contractées à cet égard envers le Conseil de Sécurité ainsi que pour assurer la défense locale et le maintien de l'ordre à l'intérieur du territoire sous Tutelle.

Art. 85.—1. En ce qui concerne les accords de Tutelle relatifs à toutes les zones qui ne sont pas désignées comme zones stratégiques, les fonctions de l'Organisation, y compris l'approbation des termes des accords de Tutelle et de leur modification ou amendement, sont exercées par l'Assemblée Générale.

2. Le Conseil de Tutelle, agissant sous l'autorité de l'Assemblée Générale, assiste celle-ci dans l'accomplissement de ces tâches.

CHAPITRE XIII

CONSEIL DE TUTELLE

Composition

Art. 86.—1. Le Conseil de Tutelle se compose des Membres suivants des Nations Unies:

a. les Membres chargés d'administrer des territoires sous Tutelle;

b. ceux des Membres désignés nommément à l'article 23 qui n'administrent pas de territoires sous Tutelle;

c. autant d'autres Membres élus pour trois ans, par l'Assemblée Générale, qu'il sera nécessaire pour que le nombre total des membres du Conseil de Tutelle se partage également entre les Membres des Nations Unies qui administrent des territoires sous Tutelle et ceux qui n'en administrent pas.

2. Chaque membre du Conseil de Tutelle désigne une personne particulièrement qualifiée pour le représenter au Conseil.

Fonctions et Pouvoirs

Art. 87. L'Assemblée Générale et, sous son autorité, le Conseil de

teenship Council, in carrying out their functions, may:

a. consider reports submitted by the administering authority;

b. accept petitions and examine them in consultation with the administering authority;

c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and

d. take these and other actions in conformity with the terms of the trusteeship agreements.

Art. 88. The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

Voting

Art. 89.—1. Each member of the Trusteeship Council shall have one vote.

2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

Procedure

Art. 90.—1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Art. 91. The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

Tutelle, dans l'exercice de leurs fonctions, peuvent:

a. examiner les rapports soumis par l'autorité chargée de l'administration;

b. recevoir des pétitions et les examiner en consultation avec ladite autorité;

c. faire procéder à des visites périodiques dans les territoires administrés par ladite autorité, à des dates convenues avec elle;

d. prendre ces dispositions et toutes autres conformément aux termes des accords de Tutelle.

Art. 88. Le Conseil de Tutelle établit un questionnaire portant sur les progrès des habitants de chaque territoire sous Tutelle dans les domaines politique, économique et social et dans celui de l'instruction; l'autorité chargée de l'administration de chaque territoire sous Tutelle relevant de la compétence de l'Assemblée Générale adresse à celle-ci un rapport annuel fondé sur le questionnaire précité.

Vote

Art. 89.—1. Chaque membre du Conseil de Tutelle dispose d'une voix.

2. Les décisions du Conseil de Tutelle sont prises à la majorité des membres présents et votant.

Procédure

Art. 90.—1. Le Conseil de Tutelle adopte son règlement intérieur dans lequel il fixe le mode de désignation de son Président.

2. Il se réunit selon les besoins, conformément à son règlement; celui-ci comprend des dispositions prévoyant la convocation du Conseil à la demande de la majorité de ses membres.

Art. 91. Le Conseil de Tutelle recourt, quand il y a lieu, à l'assistance du Conseil Economique et Social et à celle des institutions spécialisées, pour les questions qui relèvent de leurs compétences respectives.

CHAPTER XIV

THE INTERNATIONAL COURT
OF JUSTICE

Art. 92. The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

Art. 93.—1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.

2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

Art. 94.—1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

Art. 95. Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

Art. 96.—1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

2. Other organs of the United Nations and specialized agencies, which

CHAPITRE XIV

COUR INTERNATIONALE DE JUSTICE

Art. 92. La Cour Internationale de Justice constitue l'organe judiciaire principal des Nations Unies. Elle fonctionne conformément à un Statut établi sur la base du Statut de la Cour Permanente de Justice Internationale et annexé à la présente Charte dont il fait partie intégrante.

Art. 93.—1. Tous les Membres des Nations Unies sont *ipso facto* parties au Statut de la Cour Internationale de Justice.

2. Les conditions dans lesquelles les Etats qui ne sont pas Membres de l'Organisation peuvent devenir parties au Statut de la Cour Internationale de Justice sont déterminées, dans chaque cas, par l'Assemblée Générale sur recommandation du Conseil de Sécurité.

Art. 94.—1. Chaque Membre des Nations Unies s'engage à se conformer à la décision de la Cour Internationale de Justice dans tout litige auquel il est partie.

2. Si une partie à un litige ne satisfait pas aux obligations qui lui incombent en vertu d'un arrêt rendu par la Cour, l'autre partie peut recourir au Conseil de Sécurité et celui-ci, s'il le juge nécessaire, peut faire des recommandations ou décider des mesures à prendre pour faire exécuter l'arrêt.

Art. 95. Aucune disposition de la présente Charte n'empêche les Membres de l'Organisation de confier la solution de leurs différends à d'autres tribunaux en vertu d'accords déjà existants ou qui pourront être conclus à l'avenir.

Art. 96.—1. L'Assemblée Générale ou le Conseil de Sécurité peut demander à la Cour Internationale de Justice un avis consultatif sur toute question juridique.

2. Tous autres organes de l'Organisation et institutions spécialisées

may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

CHAPTER XV

THE SECRETARIAT

Art. 97. The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

Art. 98. The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Art. 99. The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Art. 100.—1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secre-

qui peuvent, à un moment quelconque, recevoir de l'Assemblée Générale une autorisation à cet effet, ont également le droit de demander à la Cour des avis consultatifs sur des questions juridiques qui se poseraient dans le cadre de leur activité.

CHAPITRE XV

SECRÉTARIAT

Art. 97. Le Secrétariat comprend un Secrétaire Général et le personnel que peut exiger l'Organisation. Le Secrétaire Général est nommé par l'Assemblée Générale sur recommandation du Conseil de Sécurité. Il est le plus haut fonctionnaire de l'Organisation.

Art. 98. Le Secrétaire Général agit en cette qualité à toutes les réunions de l'Assemblée Générale, du Conseil de Sécurité, du Conseil Economique et Social et du Conseil de Tutelle. Il remplit toutes autres fonctions dont il est chargé par ces organes. Il présente à l'Assemblée Générale un rapport annuel sur l'activité de l'Organisation.

Art. 99. Le Secrétaire Général peut attirer l'attention du Conseil de Sécurité sur toute affaire qui, à son avis, pourrait mettre en danger le maintien de la paix et de la sécurité internationales.

Art. 100.—1. Dans l'accomplissement de leurs devoirs, le Secrétaire Général et le personnel ne solliciteront ni n'accepteront d'instructions d'aucun gouvernement ni d'aucune autorité extérieure à l'Organisation. Ils s'abstiendront de tout acte incompatible avec leur situation de fonctionnaires internationaux et ne sont responsables qu'envers l'Organisation.

2. Chaque Membre de l'Organisation s'engage à respecter le caractère exclusivement international des fonctions du Secrétaire Général et du

tary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Art. 101.—1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

CHAPTER XVI

MISCELLANEOUS PROVISIONS

Art. 102.—1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

Art. 103. In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Art. 104. The Organization shall enjoy in the territory of each of its

personnel et à ne pas chercher à les influencer dans l'exécution de leur tâche.

Art. 101.—1. Le personnel est nommé par le Secrétaire Général conformément aux règles fixées par l'Assemblée Générale.

2. Un personnel spécial est affecté d'une manière permanente au Conseil Economique et Social, au Conseil de Tutelle et, s'il y a lieu, à d'autres organes de l'Organisation. Ce personnel fait partie du Secrétariat.

3. La considération dominante dans le recrutement et la fixation des conditions d'emploi du personnel doit être la nécessité d'assurer à l'Organisation les services de personnes possédant les plus hautes qualités de travail, de compétence et d'intégrité. Sera dûment prise en considération l'importance d'un recrutement effectué sur une base géographique aussi large que possible.

CHAPITRE XVI

DISPOSITIONS DIVERSES

Art. 102.—1. Tout traité ou accord international conclu par un membre des Nations Unies après l'entrée en vigueur de la présente Charte sera, le plus tôt possible, enregistré au Secrétariat et publié par lui.

2. Aucune partie à un traité ou accord international qui n'aura pas été enregistré conformément aux dispositions du paragraphe 1 du présent article ne pourra invoquer ledit traité ou accord devant un organe de l'Organisation.

Art. 103. En cas de conflit entre les obligations des Membres des Nations Unies en vertu de la présente Charte et leurs obligations en vertu de tout autre accord international, les premières prévaudront.

Art. 104. L'Organisation jouit, sur le territoire de chacun de ses

Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes.

Art. 105.—1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

CHAPTER XVII

TRANSITIONAL SECURITY ARRANGEMENTS

Art. 106. Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, October 30, 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

Art. 107. Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has

Membres, de la capacité juridique qui lui est nécessaire pour exercer ses fonctions et atteindre ses buts.

Art. 105.—1. L'Organisation jouit, sur le territoire de chacun de ses Membres, des privilèges et immunités qui lui sont nécessaires pour atteindre ses buts.

2. Les représentants des Membres des Nations Unies et les fonctionnaires de l'Organisation jouissent également des privilèges et immunités qui leur sont nécessaires pour exercer en toute indépendance leurs fonctions en rapport avec l'Organisation.

3. L'Assemblée Générale peut faire des recommandations en vue de fixer les détails d'application des paragraphes 1 et 2 du présent article ou proposer aux Membres des Nations Unies des conventions à cet effet.

CHAPITRE XVII

DISPOSITIONS TRANSITOIRES DE SÉCURITÉ

Art. 106. En attendant l'entrée en vigueur des accords spéciaux mentionnés à l'article 43, qui, de l'avis du Conseil de Sécurité, lui permettront de commencer à assumer les responsabilités lui incombant en application de l'article 42, les parties à la Déclaration des Quatre Nations signée à Moscou le 30 octobre 1943 et la France se concerteront entre elles et, s'il y a lieu, avec d'autres Membres de l'Organisation, conformément aux dispositions du paragraphe 5 de cette Déclaration, en vue d'entreprendre en commun, au nom des Nations Unies, toute action qui pourrait être nécessaire pour maintenir la paix et la sécurité internationales.

Art. 107. Aucune disposition de la présente Charte n'affecte ou n'interdit vis-à-vis d'un Etat qui, au cours de la seconde guerre

been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

CHAPTER XVIII

AMENDMENTS

Art. 108. Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

Art. 109.—1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a

mondiale, a été l'ennemi de l'un quelconque des signataires de la présente Charte, une action entreprise ou autorisée, comme suite de cette guerre, par les gouvernements qui ont la responsabilité de cette action.

CHAPITRE XVIII

AMENDEMENTS

Art. 108. Les amendements à la présente Charte entreront en vigueur pour tous les Membres des Nations Unies quand ils auront été adoptés à la majorité des deux-tiers des membres de l'Assemblée Générale et ratifiés, conformément à leurs règles constitutionnelles respectives, par les deux-tiers des Membres de l'Organisation, y compris tous les membres permanents du Conseil de Sécurité.

Art. 109.—1. Une Conférence Générale des Membres des Nations Unies, aux fins d'une révision de la présente Charte, pourra être réunie au lieu et date qui seront fixés par un vote de l'Assemblée Générale à la majorité des deux-tiers et par un vote de sept quelconques des membres du Conseil de Sécurité. Chaque Membre de l'Organisation disposera d'une voix à la conférence.

2. Toute modification à la présente Charte recommandée par la conférence à la majorité des deux-tiers prendra effet lorsqu'elle aura été ratifiée conformément à leurs règles constitutionnelles respectives, par les deux-tiers des Membres des Nations Unies, y compris tous les membres permanents du Conseil de Sécurité.

3. Si cette conférence n'a pas été réunie avant la dixième session annuelle de l'Assemblée Générale qui suivra l'entrée en vigueur de la présente Charte, une proposition en vue de la convoquer sera inscrite à l'ordre du jour de cette session, et la conférence sera réunie, s'il en est ainsi décidé par un vote de la ma-

majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

CHAPTER XIX

RATIFICATION AND SIGNATURE

Art. 110.—1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

Art. 111. The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

majorité de l'Assemblée Générale et par un vote de sept quelconques des membres du Conseil de Sécurité.

CHAPITRE XIX

RATIFICATION ET SIGNATURE

Art. 110.—1. La présente Charte sera ratifiée par les États signataires conformément à leurs règles constitutionnelles respectives.

2. Les ratifications seront déposées auprès du Gouvernement des États-Unis d'Amérique, qui notifiera chaque dépôt à tous les États signataires ainsi qu'au Secrétaire Général de l'Organisation, lorsque celui-ci aura été nommé.

3. La présente Charte entrera en vigueur après le dépôt des ratifications par la République de Chine, la France, l'Union des Républiques Soviétiques Socialistes, le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, les États-Unis d'Amérique et par la majorité des autres États signataires. Un procès-verbal de dépôt des ratifications sera ensuite dressé par le Gouvernement des États-Unis d'Amérique qui en communiquera copie à tous les États signataires.

4. Les États signataires de la présente Charte qui la ratifieront après son entrée en vigueur deviendront Membres originaires des Nations Unies à la date du dépôt de leurs ratifications respectives.

Art. 111. La présente Charte, dont les textes chinois, français, russe, anglais et espagnol feront également foi, sera déposée dans les archives du Gouvernement des États-Unis d'Amérique. Des copies dûment certifiées conformes en seront remises par lui aux Gouvernements des autres États signataires.

EN FOI DE QUOI, les représentants des Gouvernements des Nations Unies ont signé la présente Charte.

Done at the city of San Francisco
the twenty-sixth day of June, one
thousand nine hundred and forty-
five.

Fait à San Francisco, le vingt-six
juin mil neuf cent quarante cinq.

[Signed:] For **China**: VI-KYUIN WELLINGTON KOO, WANG CHUNG-HUI, WEI TAO-MING, WU YI-FANG, LI HWANG, CHUN-MAI CARSON CHANG, TUNG PI-WU, HU LIN; for the **Union of Soviet Socialist Republics**: A. GROMYKO, A. LAVRENTIEV, K. NOVIKOV, S. TSARAPKIN, S. GOLUNSKY, S. KRYLOV, RODIONOV; for the **United Kingdom of Great Britain and Northern Ireland**: HALIFAX, CRANBORNE; for the **United States of America**: E. R. STETTINIUS, Jr., CORDELL HULL, TOM CONNALLY, A. H. VANDENBERG, SOL. BLOOM, CHARLES A. EATON, HAROLD E. STASSEN, VIRGINIA C. GILDER-SLEEVE; for **France**: J. PAUL-BONCOUR; for **Argentina**: M. CÁRCANO, O. IBARRA G., JUAN CARLOS BASSI, A. D. BRUNET; for **Australia**: F. M. FORDE, H. V. EVATT; for the **Kingdom of Belgium**: A. E. DE SCHRYVER; for **Bolivia**: V. ANDRADE, C. SALAMANCA F., E. ARZE Q.; for **Brazil**: P. LEÃO VELLOSO, C. DE FREITAS VALLE, Gen. ESTEVAO LEITAO DE CARVALHO, A. CAMILLO DE OLIVEIRA, Dr. BERTHA LUTZ; for the **Byelorussian Soviet Socialist Republic**: K. KISELEV, A. ZHEBRAK, V. PERTSEV, G. BAIDAKOV, F. SHMYGAV; for **Canada**: W. L. MACKENZIE KING, LOUIS S. ST. LAURENT; for **Chile**: JOAQUÍN FERNÁNDEZ F. MARCIAL MORA M., JOSÉ MAZA, GABRIEL GONZÁLEZ, CONTRERAS LABARCA, F. NIETO DEL RÍO, E. ALCALDE C., GERMÁN VERGARA, JULIO ESCUDERO; for **Colombia**: ALBERTO LLERAS, AL. GONZÁLEZ FERNÁNDEZ, EDUARDO ZULETA ANGEL, SILVIO VILLEGAS, JESÚS M. YEPES; for **Costa Rica**: JULIO ACOSTA, J. RAFAEL OREAMUNO; for **Cuba**: GMO. BELT, ERNESTO DIHIGO; for **Czechoslovakia**: JAN MASARYK; for **Denmark**: HENRIK KAUFFMANN, HARTVIG FRISCH, E. HUSFELDT; for the **Dominican Republic**: M. PEÑA BATLLE, EMILIO G. GODOY, GILBERTO SÁNCHEZ LUSTRINO, T. FRANCO F., MINERVA BERNARDINO; for **Ecuador**: C. PONCE ENRÍQUEZ, GALO PLAZA, C. TOBAR ZALDUMBIDE; for **Egypt**: A. BADAWI, IB. HADI; for **El Salvador**: HÉCTOR DAVID CASTRO, CARLOS LEIVA, M. D.; for **Ethiopia**: AKLILU H., AMBAYE W., EPHREM T. MEDHEN; for **Greece**: J. A. SOFIANOPOULOS; for **Guatemala**: GUILLERMO TORIELLO, M. NORIEGA M., E. SILVA PEÑA; for **Haiti**: GERARD LESCOT, A. LIAUTAUD; for **Honduras**: JULIÁN R. CÁCERES, MARCOS CARIAS REYES, VIRGILIO R. GALVEZ; for **India**: A. RAMASWAMI MUDALIAR, V. T. KRISHNAMACHARI; for **Iran**: MOSTAFA ADLE; for **Iraq**: MOHD. FADHEL JAMALI; for **Lebanon**: W. NAIM, A. YAFI, SALEM, CHARLES MALIK; for **Liberia**: C. L. SIMPSON, GABRIEL L. DENNIS, J. LEMUEL GIBSON, RICHARD HENRIES, M. N. GRANT; for the **Grand Duchy of Luxembourg**: HUGUES LE GALLAIS; for **Mexico**: E. PADILLA, F. CASTILLO NÁJERA, MANUEL TELLO; for the **Kingdom of the Netherlands**: A. LOUDON; for **New Zealand**: PETER FRASER, C. A. BERENDSEN; for **Nicaragua**: MARIANO ARGÜELLO, LUIS MANUEL DE BAYLE; for the **Kingdom of Norway**: WILHELM MUNTHE MORGENSTIERNE; for **Panama**: ROBERTO JIMÉNEZ; for **Paraguay**: CELSO R. VELÁZQUEZ, J. B. AYALA; for **Peru**: MANUEL C. GALLAGHER, V. A. BELAUNDE, LUIS FERNÁN CISNEROS; for the **Philippine Commonwealth**: CARLOS P. ROMULO, FRANCISCO A. DELGADO; for **Poland**: [W. RZYMOWSKI, October 15, 1945]; for **Saudi Arabia**: FAISAL; for **Syria**: F. AL-KHOURI, N. ANTAKI, N. KOUDSI; for **Turkey**: HASAN SAKA, HUSEYIN RAGIP BAYDUR, FERIDUN CEMAL ERKIN; for the **Ukrainian Soviet Socialist Republic**: DM. MANUILSKY, IVAN SENIN, ALEXANDER PALLADIN, MIKOLA PETROVSKY; for the **Union of South Africa**: J. C. SMUTS F.M.; for **Uruguay**: JOSÉ SERRATO,

JACOBO VARELA, HÉCTOR LUISI, CY. GIAMBRUNO, JUAN F. GUICHÓN, HÉCTOR PAYSSÉ REYES; for **Venezuela**: C. PARRA PEREZ, GUSTAVO HERRERA, A. MACHADO HNDZ., R. ERNESTO LÓPEZ; for **Yugoslavia**: STANOJE SIMIČ.

No. 653a

Interim Arrangements of the United Nations. Signed at San Francisco, June 26, 1945.

Arrangements provisoires des Nations Unies. Signés à San Francisco, 26 juin 1945.

EDITOR'S NOTE. The Preparatory Commission established by this agreement first met at San Francisco, June 27, 1945; its Executive Committee met at London, August 16–October 27, and November 24, 1945. A second session of the Preparatory Commission was held at London, November 24–December 23, 1945.

RATIFICATIONS. These Arrangements were not subject to ratification.

BIBLIOGRAPHY. The five versions of these Arrangements are published in *U.S. Executive Agreement Series*, No. 461. The English and French versions are also published in Canada, *Treaty Series*, 1945, No. 7, p. 72. For the reports of the Executive Committee and of the Preparatory Commission, see U.N. Docs. PC/EX/113/Rev. I, November 12, 1945, 144 pp., and PC/20, December 23, 1945, 151 pp.; cf. *Br. Parl. Papers*, Misc. No. 5 (1946), Cmd. 6734.

M. F. Maúrtua, "La Comisión Preparatoria de las Naciones Unidas," 5 *Revista peruana de derecho internacional* (1945), pp. 341–42; H. Reiff, "Work of the United Nations 'Legal Committees,'" 15 *U.S. Department of State Bulletin* (1946), pp. 3–15, 302–12.

Entered into force June 26, 1945.

Text from U.S. Department of State, Publication No. 2368, Conference Series No. 76.

The governments represented at the United Nations Conference on International Organization in the city of San Francisco,

Having determined that an international organization to be known as the United Nations shall be established,

Having this day signed the Charter of the United Nations, and

Having decided that, pending the coming into force of the Charter and the establishment of the United Nations as provided in the Charter, a Preparatory Commission of the United Nations should be established for the performance of certain functions and duties,

Les gouvernements représentés à la Conférence des Nations Unies pour l'Organisation Internationale, tenue dans la ville de San Francisco,

Ayant décidé qu'une organisation internationale désignée sous le nom de Nations Unies sera instituée,

Ayant signé ce jour la Charte des Nations Unies,

Ayant décidé qu'en attendant l'entrée en vigueur de la Charte et l'institution des Nations Unies conformément à la Charte, une Commission Préparatoire des Nations Unies sera établie en vue d'exercer certaines fonctions et de remplir certaines obligations,

Agree as follows:

1. There is hereby established a Preparatory Commission of the United Nations for the purpose of making provisional arrangements for the first sessions of the General Assembly, the Security Council, the Economic and Social Council, and the Trusteeship Council, for the establishment of the Secretariat, and for the convening of the International Court of Justice.

2. The Commission shall consist of one representative from each government signatory to the Charter. The Commission shall establish its own rules of procedure. The functions and powers of the Commission, when the Commission is not in session, shall be exercised by an Executive Committee composed of the representatives of those governments now represented on the Executive Committee of the Conference. The Executive Committee shall appoint such committees as may be necessary to facilitate its work, and shall make use of persons of special knowledge and experience.

3. The Commission shall be assisted by an Executive Secretary, who shall exercise such powers and perform such duties as the Commission may determine, and by such staff as may be required. This staff shall be composed so far as possible of officials appointed for this purpose by the participating governments on the invitation of the Executive Secretary.

4. The Commission shall:

a. convoke the General Assembly in its first session;

b. prepare the provisional agenda for the first sessions of the principal organs of the Organization, and prepare documents and recommendations relating to all matters on these agenda;

c. formulate recommendations concerning the possible transfer of certain functions, activities, and

Conviennent de ce qui suit:

1. Il est créé par les présentes une Commission Préparatoire des Nations Unies, qui sera chargée de prendre des mesures provisoires pour les premières sessions de l'Assemblée Générale, du Conseil de Sécurité, du Conseil Economique et Social et du Conseil de Tutelle, ainsi que pour la mise sur pied du Secrétariat et la convocation de la Cour Internationale de Justice.

2. La Commission comprendra un représentant de chacun des gouvernements signataires de la Charte. Elle fixera son propre règlement. Les fonctions et pouvoirs de la Commission seront exercés, en dehors des sessions, par un Comité Exécutif composé des représentants des gouvernements représentés à l'heure actuelle au Comité Exécutif de la Conférence. Le Comité Exécutif créera les comités qui pourront être nécessaires pour l'aider dans ses travaux, et fera appel au concours de personnes ayant des connaissances et une expérience spéciales.

3. La Commission sera assistée d'un Secrétaire Administratif, qui exercera les pouvoirs et accomplira les fonctions que déterminera la Commission, et du personnel nécessaire. Ce personnel sera composé, dans la mesure du possible, de fonctionnaires nommés à cette fin par les gouvernements participants, sur la demande du Secrétaire Administratif.

4. La Commission:

a. convoquera la première session de l'Assemblée Générale;

b. préparera les ordres du jour provisoires des premières sessions des principaux organes de l'Organisation ainsi que les documents et les recommandations se rapportant à toutes les questions figurant à ces ordres du jour;

c. formulera des recommandations sur le transfert éventuel des fonctions, activités et avoirs de la

assets of the League of Nations which it may be considered desirable for the new Organization to take over on terms to be arranged;

d. examine the problems involved in the establishment of the relationship between specialized intergovernmental organizations and agencies and the Organization;

e. issue invitations for the nomination of candidates for the International Court of Justice in accordance with the provisions of the Statute of the Court;

f. prepare recommendations concerning arrangements for the Secretariat of the Organization; and

g. make studies and prepare recommendations concerning the location of the permanent headquarters of the Organization.

5. The expenses incurred by the Commission and the expenses incidental to the convening of the first meeting of the General Assembly shall be met by the Government of the United Kingdom of Great Britain and Northern Ireland or, if the Commission so requests, shared by other governments. All such advances from governments shall be deductible from their first contributions to the Organization.

6. The seat of the Commission shall be located in London. The Commission shall hold its first meeting in San Francisco immediately after the conclusion of the United Nations Conference on International Organization. The Executive Committee shall call the Commission into session again as soon as possible after the Charter of the Organization comes into effect and whenever subsequently it considers such a session desirable.

7. The Commission shall cease to exist upon the election of the Secretary-General of the Organization, at which time its property and records shall be transferred to the Organization.

Société des Nations qu'il pourra sembler utile de confier à la nouvelle Organisation dans des conditions à fixer;

d. examinera les problèmes soulevés par l'établissement des relations entre les institutions spécialisées intergouvernementales et l'Organisation;

e. enverra des invitations en vue de la désignation de candidats à la Cour Internationale de Justice, conformément aux dispositions du Statut de la Cour;

f. préparera des recommandations concernant la constitution du Secrétariat de l'Organisation;

g. procédera aux études nécessaires relatives au siège permanent de l'Organisation et fera des recommandations à ce sujet.

5. Les dépenses effectuées par la Commission et les dépenses qu'entraînera la réunion de la première session de l'Assemblée Générale seront assumées par le Gouvernement du Royaume-Uni de Grande Bretagne et d'Irlande du Nord ou, si la Commission le demande, réparties entre d'autres gouvernements. Toutes les avances faites à ce titre par les gouvernements seront déduites de leur première contribution à l'Organisation.

6. Le siège de la Commission sera établi à Londres. La Commission tiendra sa première séance à San Francisco, aussitôt après la clôture de la Conférence des Nations Unies pour l'Organisation Internationale. Le Comité Exécutif convoquera une autre réunion de la Commission aussitôt que possible après l'entrée en vigueur de la Charte de l'Organisation et, par la suite, toutes les fois qu'il le jugera utile.

7. La Commission cessera d'exister lors de l'élection du Secrétaire Général de l'Organisation; ses biens et ses archives seront alors transférés à l'Organisation.

8. The Government of the United States of America shall be the temporary depositary and shall have custody of the original document embodying these interim arrangements in the five languages in which it is signed. Duly certified copies thereof shall be transmitted to the governments of the signatory states. The Government of the United States of America shall transfer the original to the Executive Secretary on his appointment.

9. This document shall be effective as from this date, and shall remain open for signature by the states entitled to be the original Members of the United Nations until the Commission is dissolved in accordance with paragraph 7.

IN FAITH WHEREOF, the undersigned representatives having been duly authorized for that purpose, sign this document in the English, French, Chinese, Russian and Spanish languages, all texts being of equal authenticity.

Done at the city of San Francisco this twenty-sixth day of June, one thousand nine hundred and forty-five.

8. Le Gouvernement des Etats-Unis d'Amérique sera le dépositaire temporaire et aura la garde du document original où seront consignés ces arrangements transitoires, rédigés dans les cinq langues dans lesquelles il aura été signé. Des copies certifiées conformes seront transmises à chacun des gouvernements des Etats signataires de la Charte. Le Gouvernement des Etats-Unis d'Amérique remettra l'original de ce document au Secrétaire Administratif, lors de sa nomination.

9. Ce document prendra effet à dater de ce jour et restera ouvert aux signatures des Etats ayant le droit d'être Membres originaires des Nations Unies, jusqu'à la dissolution de la Commission, conformément au paragraphe 7.

EN FOI DE QUOI, les représentants soussignés, dûment autorisés à cet effet, ont signé ce document dans les langues anglaise, française, chinoise, russe et espagnole, chacun de ces textes faisant également foi.

Fait à San Francisco, le vingt-six juin mil neuf cent quarante cinq.

[Signatures omitted.]

No. 653b

Rules of Procedure of the General Assembly. Adopted at Flushing Meadows, November 17, 1947.

Règlement intérieur de l'Assemblée Générale. Adopté à Flushing Meadows, 17 novembre 1947.

EDITOR'S NOTE. Provisional rules of procedure of the General Assembly, drafted by the Preparatory Commission of the United Nations, were approved by the General Assembly at London on January 11, 1946, but amendments were adopted thereafter. U.N. Docs. A/4, A/71, A/71/Rev. 1. The Rules adopted on November 17, 1947, were amended on November 21, 1947 (with respect to admission of new members), and on December 11, 1948 (with respect to languages). U.N. Docs. A/520 and A/810, p. 178. The text reproduced in-

corporate these amendments. For the rules of procedure of the Assembly of the League of Nations, see No. 1d, *ante*.

As in force on January 1, 1949.

Text from U.N. Docs. A/520 and A/810, p. 178.

Note: Rules 42, 75, 76, 77 and 135, which reproduce textually provisions of the Charter, are printed in heavy type. A footnote has been added in the case of other rules which, while based directly on provisions of the Charter, do not reproduce those provisions textually.

Note: Les articles 42, 75, 76, 77 et 135 qui reproduisent textuellement des dispositions de la Charte sont imprimés en caractères gras. Une note en bas de page signale les autres articles reposant directement sur des dispositions de la Charte mais qui n'en reproduisent pas textuellement les termes.

I. SESSIONS

REGULAR SESSIONS

RULE 1¹.—Date of meeting ^{1,2}

The General Assembly shall meet every year in regular session commencing on the third Tuesday in September.

RULE 2.—Place of meeting

Sessions shall be held at the headquarters of the United Nations unless convened elsewhere in pursuance of a decision of the General Assembly at a previous session or at the request of a majority of the Members of the United Nations.

RULE 3

Any Member of the United Nations may, at least one hundred and twenty days before the date fixed for the opening of a regular session, request that the session be held elsewhere than at the headquarters of the United Nations. The Secretary-General shall immediately communicate the request, together with his recommendations, to the other Members of the United Nations. If within thirty days of the date of the communication a majority of the Members concur in the request, the session shall be held accordingly.

RULE 4.—Notification of session

The Secretary-General shall notify the Members of the United Nations, at least

I. SESSIONS

SESSIONS ORDINAIRES

ARTICLE 1¹.—Date de réunion ^{1,2}

L'Assemblée générale se réunit en session ordinaire, chaque année, le troisième mardi de septembre.

ARTICLE 2.—Lieu de réunion

L'Assemblée générale se réunit au siège de l'Organisation à moins qu'elle ne soit convoquée en un autre lieu en vertu d'une décision prise au cours d'une session antérieure, ou à la demande de la majorité des Membres de l'Organisation.

ARTICLE 3

Un Membre quelconque de l'Organisation des Nations Unies peut, cent vingt jours au moins avant la date fixée pour l'ouverture d'une session ordinaire, demander que la session ait lieu ailleurs qu'au siège de l'Organisation. Le Secrétaire général communique immédiatement la demande aux autres Membres de l'Organisation, en y joignant ses recommandations. Si, dans les trente jours qui suivent la date de cette communication, la majorité des Membres s'est déclarée d'accord, la session se tient à l'endroit demandé.

ARTICLE 4.—Notification des sessions

Les Membres de l'Organisation sont avisés par le Secrétaire général au moins

¹ Rule based directly on a provision of the Charter.

² See rule 151: The description of the rules in the explanatory notes shall be disregarded in the interpretation of the rules.

³ Where no explanatory note is given, the previous explanatory note applies.

¹ Article reposant directement sur une disposition de la Charte.

² Voir règle 151: Il ne sera pas tenu compte, dans l'interprétation des articles, des appellations données aux articles dans les notes explicatives.

³ Lorsque aucune note explicative n'est donnée, l'annotation précédente est maintenue.

sixty days in advance, of the opening of a regular session.

RULE 5.—Adjournment of session

The General Assembly may decide at any session to adjourn temporarily and resume its meetings at a later date.

soixante jours à l'avance de l'ouverture d'une session ordinaire.

ARTICLE 5.—Interruption des sessions

L'Assemblée générale peut, à toute session, décider d'interrompre temporairement ses séances et de les reprendre à une date ultérieure.

SPECIAL SESSIONS

RULE 6.—Summoning by the General Assembly

The General Assembly may fix a date for a special session.

SESSIONS EXTRAORDINAIRES

ARTICLE 6.—Convocation par l'Assemblée générale

L'Assemblée générale peut fixer une date à laquelle elle tiendra une session extraordinaire.

RULE 7.—Summoning on request from the Security Council or Members

Special sessions of the General Assembly shall be held within fifteen days of the receipt by the Secretary-General of a request for such a session from the Security Council, or of a request from a majority of the Members of the United Nations, or of the concurrence of a majority of Members as provided in rule 8.

ARTICLE 7.—Convocation à la demande du Conseil de sécurité ou de certains Membres

L'Assemblée générale se réunit en session extraordinaire dans un délai de quinze jours à partir de la date à laquelle le Secrétaire général a été saisi d'une demande à cet effet émanant soit du Conseil de sécurité, soit de la majorité des Membres de l'Organisation des Nations Unies, ou à partir de la date de l'accord de la majorité des Membres, prévu à l'article 8.

RULE 8.—Request by Members

Any Member of the United Nations may request the Secretary-General to summon a special session. The Secretary-General shall immediately inform the other Members of the United Nations of the request and inquire whether they concur in it. If within thirty days of the date of the communication of the Secretary-General a majority of the Members concur in the request, a special session of the General Assembly shall be summoned in accordance with rule 7.

ARTICLE 8.—Demandes de Membres

Si un Membre quelconque de l'Organisation des Nations Unies invite le Secrétaire général à convoquer l'Assemblée générale en session extraordinaire, le Secrétaire général informe immédiatement de cette demande les autres Membres et prend leur avis. Si le projet de réunion est accepté par la majorité des Membres dans un délai de trente jours à partir de la date de cette communication, l'Assemblée générale est convoquée en session extraordinaire conformément aux dispositions de l'article 7.

RULE 9.—Notification of meeting

The Secretary-General shall notify the Members of the United Nations, at least fourteen days in advance, of the opening of a special session summoned at the request of the Security Council, and, at least ten days in advance, in the case of a request by a majority of the Members or the concurrence of a majority in the request of any Member.

ARTICLE 9.—Notification des sessions

Le Secrétaire général avise les Membres de l'Organisation de l'ouverture d'une session extraordinaire au moins quatorze jours à l'avance si cette session est convoquée à la demande du Conseil de sécurité, et au moins dix jours à l'avance si elle est convoquée à la demande de la majorité des Membres, ou à la demande d'un Membre quelconque si cette demande a recueilli l'approbation de la majorité.

REGULAR AND SPECIAL SESSIONS

RULE 10.—*Notification to other bodies*

Copies of the notice summoning each session shall be addressed to all other principal organs of the United Nations and to the specialized agencies referred to in Article 57, paragraph 2, of the Charter.

II. AGENDA

REGULAR SESSIONS

RULE 11.—*Provisional agenda*

The provisional agenda for a regular session shall be drawn up by the Secretary-General and communicated to the Members of the United Nations at least sixty days before the opening of the session.

RULE 12

The provisional agenda of a regular session shall include:

(a) Report of the Secretary-General on the work of the Organization;

(b) Reports from the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice, the subsidiary organs of the General Assembly, specialized agencies (where such reports are called for under agreements entered into);

(c) All items the inclusion of which has been ordered by the General Assembly at a previous session;

(d) All items proposed by the other principal organs of the United Nations;

(e) All items proposed by any Member of the United Nations;

(f) All items pertaining to the budget for the next financial year and the report on the accounts for the last financial year;

(g) All items which the Secretary-General deems it necessary to put before the General Assembly; and

(h) All items proposed under Article 35, paragraph 2, of the Charter by States not Members of the United Nations.

RULE 13.—*Supplementary items*

Any Member or principal organ of the United Nations or the Secretary-General may, at least thirty days before the date fixed for the opening of a regular session,

SESSIONS ORDINAIRES ET EXTRAORDINAIRES

ARTICLE 10.—*Notification aux autres organes*

Un exemplaire de l'avis convoquant l'Assemblée générale en vue d'une session quelconque est adressé à tous les autres organes principaux de l'Organisation, ainsi qu'aux institutions spécialisées visées à l'Article 57, paragraphe 2, de la Charte.

II. ORDRE DU JOUR

SESSIONS ORDINAIRES

ARTICLE 11.—*Ordre du jour provisoire*

L'ordre du jour provisoire d'une session ordinaire est établi par le Secrétaire général et communiqué aux Membres de l'Organisation, soixante jours au moins avant l'ouverture de la session.

ARTICLE 12

L'ordre du jour provisoire d'une session ordinaire comporte:

a) Le rapport du Secrétaire général sur l'activité de l'Organisation;

b) Les rapports du Conseil de sécurité, du Conseil économique et social, du Conseil de tutelle, de la Cour internationale de Justice, des organes subsidiaires de l'Assemblée générale, des institutions spécialisées (quand les accords conclus avec celles-ci en prévoient la présentation);

c) Les questions que l'Assemblée générale, lors d'une session précédente, a décidé d'inscrire à son ordre du jour;

d) Les questions proposées par les autres organes principaux des Nations Unies;

e) Les questions proposées par tout Membre de l'Organisation;

f) Les questions relatives au budget de l'exercice suivant et le rapport sur les comptes de l'exercice écoulé;

g) Les questions que le Secrétaire général juge opportun d'évoquer devant l'Assemblée générale;

h) Les questions proposées par des Etats non membres de l'Organisation en vertu du paragraphe 2 de l'Article 35 de la Charte.

ARTICLE 13.—*Questions supplémentaires*

Tout Membre ou organe principal de l'Organisation ou le Secrétaire général, peut, trente jours au moins avant la date fixée pour l'ouverture d'une session

request the inclusion of supplementary items in the agenda. These items shall be placed on a supplementary list, which shall be communicated to the Members of the United Nations at least twenty days before the date fixed for the opening of the session.

RULE 14.—*Amendments, deletions and additional items*

During any regular session of the General Assembly items may be amended or deleted from the agenda, and additional items of an important and urgent character may be placed on the agenda, by a majority of the Members present and voting. Consideration of additional items shall be postponed until seven days after they have been placed on the agenda, unless the General Assembly, by a two-thirds majority of the Members present and voting, decides otherwise, and until a committee has reported upon them.

SPECIAL SESSIONS

RULE 15.—*Provisional agenda*

The provisional agenda of a special session, summoned at the request of the Security Council, shall be communicated to the Members of the United Nations at least fourteen days before the opening of the session. The provisional agenda of a special session summoned at the request of a majority of the Members, or the concurrence of a majority in the request of any Member, shall be communicated at least ten days before the opening of the session.

RULE 16

The provisional agenda for a special session shall consist only of those items proposed for consideration in the request for the holding of the session.

RULE 17.—*Supplementary items*

Any Member or principal organ of the United Nations or the Secretary-General may, at least four days before the date fixed for the opening of a special session, request the inclusion of supplementary items in the agenda. Such items shall be

ordinaire, demander l'inscription de questions supplémentaires à l'ordre du jour. Ces questions figurent sur une liste supplémentaire qui est communiquée aux Membres de l'Organisation vingt jours au moins avant la date fixée pour l'ouverture de la session.

ARTICLE 14.—*Amendements, suppressions et nouvelles questions*

Au cours de toute session ordinaire de l'Assemblée générale, des questions peuvent faire l'objet d'amendements ou être supprimées de l'ordre du jour et de nouvelles questions présentant un caractère d'importance ou d'urgence particulière peuvent y être ajoutées en vertu d'une décision prise à la majorité des Membres présents et votants. L'examen d'une question nouvelle ne peut avoir lieu avant qu'un délai de sept jours ne se soit écoulé à compter de son inscription à l'ordre du jour, à moins que l'Assemblée générale n'en décide autrement à la majorité des deux tiers des Membres présents et votants, ni avant qu'une commission ait fait rapport au sujet de ladite question.

SESSIONS EXTRAORDINAIRES

ARTICLE 15.—*Ordre du jour provisoire*

L'ordre du jour provisoire d'une session extraordinaire convoquée à la demande du Conseil de sécurité est communiqué aux Membres des Nations Unies quatorze jours au moins avant l'ouverture de la session. L'ordre du jour provisoire d'une session extraordinaire convoquée à la demande de la majorité des Membres ou à la demande d'un Membre quelconque, si cette demande a recueilli l'approbation de la majorité, est communiqué dix jours au moins avant l'ouverture de la session.

ARTICLE 16

L'ordre du jour provisoire d'une session extraordinaire comporte seulement les questions présentées pour examen dans la demande de convocation de la session extraordinaire.

ARTICLE 17.—*Questions supplémentaires*

Tout Membre ou organe principal de l'Organisation, ou le Secrétaire général peut, quatre jours au moins avant la date fixée pour l'ouverture d'une session extraordinaire, demander l'inscription de questions supplémentaires à l'ordre du

placed on a supplementary list which shall be communicated to the Members of the United Nations as soon as possible.

RULE 18.—*Additional items*

During a special session items on the supplementary list and additional items may be added to the agenda by a two-thirds majority of the Members present and voting.

REGULAR AND SPECIAL SESSIONS

RULE 19.—*Approval of the agenda*

At each session the provisional agenda and the supplementary list, together with the report of the General Committee thereon, shall be submitted to the General Assembly for approval as soon as possible after the opening of the session.

RULE 20.—*Modification of the allocation of expenses*

No proposal for a modification of the allocation of expenses for the time being in force shall be placed on the agenda unless it has been communicated to the Members of the United Nations at least ninety days before the date fixed for the opening of the session.

III. DELEGATIONS

RULE 21.—*Composition*

The delegation of a Member shall consist of not more than five representatives and five alternate representatives, and as many advisers, technical advisers, experts and persons of similar status as may be required by the delegation.

RULE 22.—*Alternates*

An alternate representative may act as a representative upon designation by the Chairman of the delegation.

IV. CREDENTIALS

RULE 23.—*Submission of credentials*

The credentials of representatives, and the names of members of a delegation

jour. Ces questions figurent sur une liste supplémentaire qui est communiquée aussitôt que possible aux Membres de l'Organisation.

ARTICLE 18.—*Nouvelles questions*

Au cours d'une session extraordinaire, les questions figurant sur la liste supplémentaire et d'autres questions supplémentaires peuvent être ajoutées à l'ordre du jour par décision prise à la majorité des deux tiers des Membres présents et votants.

SESSIONS ORDINAIRES ET EXTRAORDINAIRES

ARTICLE 19.—*Approbation de l'ordre du jour*

A chaque session, l'ordre du jour provisoire et la liste supplémentaire accompagnée du rapport que le Bureau a établi en la matière sont soumis à l'approbation de l'Assemblée générale aussitôt que possible après l'ouverture de la session.

ARTICLE 20.—*Modification de la répartition des dépenses*

Aucune proposition tendant à modifier la répartition des dépenses en vigueur n'est inscrite à l'ordre du jour si elle n'a été communiquée aux Membres de l'Organisation, quatre-vingt-dix jours au moins avant la date fixée pour l'ouverture de la session.

III. DÉLÉGATIONS

ARTICLE 21.—*Composition*

La délégation d'un Membre comprend cinq représentants et cinq suppléants au plus, et autant de conseillers, conseillers techniques, experts et personnes de catégorie analogue qu'elle juge nécessaire.

ARTICLE 22.—*Suppléants*

Un représentant suppléant peut agir en qualité de représentant sur désignation du Président de la délégation intéressée.

IV. POUVOIRS

ARTICLE 23.—*Présentation des pouvoirs*

Les lettres de créance des représentants et le nom des membres d'une délégation

¹ Rule based directly on a provision of the Charter.

¹ Article reposant directement sur une disposition de la Charte.

shall be submitted to the Secretary-General if possible not less than one week before the date fixed for the opening of the session. The credentials shall be issued either by the Head of the State or Government or by the Minister for Foreign Affairs.

RULE 24.—*Credentials Committee*

A Credentials Committee shall be appointed at the beginning of each session. It shall consist of nine members, who shall be appointed by the General Assembly on the proposal of the President. The Committee shall elect its own officers. It shall examine the credentials of representatives and report without delay.

RULE 25.—*Provisional admission to a session*

Any representative to whose admission a Member has made objection shall be seated provisionally with the same rights as other representatives, until the Credentials Committee has reported and the General Assembly has given its decision.

V. PRESIDENT AND VICE-PRESIDENTS

RULE 26.—*Temporary President*

At the opening of each session of the General Assembly the Chairman of that delegation from which the President of the previous session was elected shall preside until the General Assembly has elected a President for the session.

RULE 27¹.—*Elections*

The General Assembly shall elect a President and seven Vice-Presidents, who shall hold office until the close of the session at which they are elected. The Vice-Presidents shall be elected, after the election of the Chairmen of the six Main Committees referred to in rule 90, on the basis of ensuring the representative character of the General Committee.

RULE 28.—*Acting President*

If the President finds it necessary to be absent during a meeting or any part thereof, he shall appoint one of the Vice-Presidents to take his place.

seront communiqués au Secrétaire général, si possible au moins une semaine avant la date prévue pour l'ouverture de la session. Les lettres de créance doivent émaner soit du Chef d'Etat ou du Gouvernement, soit du Ministre des Affaires étrangères.

ARTICLE 24.—*Commission de vérification des pouvoirs*

Une Commission de vérification des pouvoirs est nommée au début de chaque session. Elle comprend neuf membres, nommés par l'Assemblée générale sur proposition du Président. La Commission élit elle-même son bureau. Elle examine les pouvoirs des représentants et fait immédiatement son rapport.

ARTICLE 25.—*Admission temporaire à une session*

Tout représentant dont l'admission soulève de l'opposition de la part d'un Membre siège provisoirement avec les mêmes droits que les autres représentants jusqu'à ce que la Commission de vérification des pouvoirs ait fait son rapport et que l'Assemblée générale ait statué.

V. PRÉSIDENT ET VICE-PRÉSIDENTS

ARTICLE 26.—*Président provisoire*

A l'ouverture de chaque session de l'Assemblée générale, le Président de la délégation dans laquelle avait été choisi le Président de la session précédente occupe la présidence jusqu'à ce que l'Assemblée générale ait élu le Président de la session.

ARTICLE 27¹.—*Elections*

L'Assemblée générale élit un Président et sept Vice-Présidents qui restent en fonction jusqu'à la clôture de la session à laquelle ils sont élus. Les Vice-Présidents sont élus après l'élection des Présidents des six grandes Commissions mentionnées à l'article 90 et de façon à assurer le caractère représentatif du Bureau.

ARTICLE 28.—*Président par intérim*

Si le Président est obligé de s'absenter pendant une séance ou une partie de séance, il charge un des Vice-Présidents de le remplacer.

¹ Rule based directly on a provision of the Charter.

¹ Article reposant directement sur une disposition de la Charte.

RULE 29

A Vice-President acting as President shall have the same powers and duties as the President.

RULE 30.—*Replacement of the President*

If the President is unable to perform his functions, a new President shall be elected for the unexpired term.

RULE 31.—*General powers of the President*

In addition to exercising the powers which are conferred upon him elsewhere by these rules, the President shall declare the opening and closing of each plenary meeting of the session, shall direct the discussions in plenary meeting, ensure observance of these rules, accord the right to speak, put questions and announce decisions. He shall rule on points of order, and, subject to these rules, shall have complete control of the proceedings at any meeting and over the maintenance of order thereat.

RULE 32.—*The President shall not vote*

The President, or Vice-President acting as President, shall not vote but shall appoint another member of his delegation to vote in his place.

VI. GENERAL COMMITTEE

RULE 33.—*Composition*

The General Committee shall consist of fourteen members no two of whom shall be members of the same delegation, and shall be so constituted as to ensure its representative character. It shall comprise the President of the General Assembly, who shall preside, the seven Vice-Presidents and the Chairmen of the six Main Committees.

RULE 34.—*Substitute members*

If a Vice-President of the General Assembly finds it necessary to be absent during a meeting of the General Committee he may designate a member of his delegation as his substitute. A Chairman of a Main Committee shall, in case of absence, designate the Vice-Chairman of the Committee as his substitute. A Vice-Chairman shall not have the right

ARTICLE 29

Un Vice-Président agissant en qualité de Président a les mêmes pouvoirs et les mêmes devoirs que le Président.

ARTICLE 30.—*Remplacement du Président*

Si le Président se trouve dans l'impossibilité de s'acquitter de ses fonctions, un nouveau Président est élu pour le reste de la durée du mandat.

ARTICLE 31.—*Pouvoirs généraux du Président*

Outre l'exercice des pouvoirs qui lui sont conférés en vertu d'autres dispositions du présent règlement, le Président prononce l'ouverture et la clôture de chaque séance plénière de la session, dirige les discussions en séance plénière, assure l'application du règlement, donne la parole, met les questions aux voix et proclame les décisions. Il statue sur les motions d'ordre et, conformément aux dispositions du présent règlement, règle entièrement les débats à chaque séance et y assure le maintien de l'ordre.

ARTICLE 32.—*Le Président ne prend pas part aux scrutins*

Le Président, ou un Vice-Président agissant en qualité de Président, ne prend pas part aux scrutins, mais charge un autre membre de sa délégation de voter à sa place.

VI. BUREAU

ARTICLE 33.—*Composition*

Le Bureau comprend quatorze membres appartenant tous à des délégations différentes et choisis de façon à assurer son caractère représentatif. En font partie: le Président de l'Assemblée générale, qui le préside, les sept Vice-Présidents et les Présidents des six grandes Commissions.

ARTICLE 34.—*Remplaçants*

Si l'un des Vice-Présidents de l'Assemblée générale est obligé de s'absenter pendant une séance du Bureau, il peut désigner un membre de sa délégation pour le remplacer. Lorsque le Président d'une grande Commission s'absente, il désigne le Vice-Président de la Commission pour le remplacer. Lorsqu'un Vice-Président appartient à la même délégation qu'un

to vote if he is of the same delegation as another member of the Committee.

autre membre du Bureau, il n'a pas le droit de vote.

RULE 35.—*Functions*

The General Committee shall at the beginning of each session consider the provisional agenda, together with the supplementary list, and shall make a report thereon to the General Assembly. It shall consider requests for the inclusion of additional items in the agenda and shall report thereon to the General Assembly. It shall assist the President and the General Assembly in drawing up the agenda for each plenary meeting, in determining the priority of its items, and in the co-ordination of the proceedings of all committees of the General Assembly. Finally, it shall assist the President in the general conduct of the work of the General Assembly which falls within the competence of the President. It shall not, however, decide any political question.

RULE 36.—*Participation by representatives of Members requesting the inclusion of items in the agenda*

A Member of the General Assembly which has no representative on the General Committee, and which has requested the inclusion of an item in the agenda, shall be entitled to attend any meeting of the General Committee at which its request is discussed, and may participate, without vote, in the discussion of that item.

RULE 37.—*Formal revision of resolutions of the General Assembly*

The General Committee may revise the resolutions adopted by the General Assembly, changing their form but not their substance. Any such changes shall be reported to the General Assembly for its consideration.

VII. SECRETARIAT

RULE 38¹.—*Duties of the Secretary-General*

The Secretary-General shall act in that capacity in all meetings of the General Assembly, its committees and sub-committees. He may designate a member of the staff to act in his place at these meetings.

ARTICLE 35.—*Fonctions*

Au début de chaque session, le Bureau examine l'ordre du jour provisoire, en même temps que la liste supplémentaire de questions et fait rapport à l'Assemblée générale. Il étudie les demandes d'inscriptions de questions nouvelles à l'ordre du jour et fait rapport à leur sujet à l'Assemblée générale. Il aide le Président et l'Assemblée générale à élaborer l'ordre du jour de chaque séance plénière, à établir l'ordre de priorité des questions qui y figurent et à coordonner les travaux de toutes les commissions de l'Assemblée générale. Enfin, il assiste le Président dans la direction de l'ensemble des travaux de l'Assemblée générale, qui relève de la compétence du Président. Il ne prendra toutefois de décision sur aucune question politique.

ARTICLE 36.—*Participation de représentants d'États Membres qui ont demandé l'inscription de questions à l'ordre du jour*

Tout Membre de l'Assemblée générale qui n'est pas représenté au Bureau et qui a demandé l'insertion d'une question à l'ordre du jour aura le droit d'assister à la séance du Bureau au cours de laquelle sa demande est examinée, et peut participer, sans droit de vote, aux débats sur cette question.

ARTICLE 37.—*Revision de la forme des résolutions de l'Assemblée générale*

Le Bureau peut apporter des modifications de forme, mais non de fond, aux résolutions adoptées par l'Assemblée générale. Toutes ces modifications font l'objet d'un rapport qui est soumis à l'examen de l'Assemblée générale.

VII. SECRÉTARIAT

ARTICLE 38¹.—*Fonctions du Secrétaire général*

Le Secrétaire général agit en cette qualité à toutes les réunions de l'Assemblée générale, de ses commissions et de ses sous-commissions. Il peut désigner un membre du personnel pour le remplacer en cette même qualité lors de ces réunions.

¹ Rule based directly on a provision of the Charter.

¹ Article reposant directement sur une disposition de la Charte

RULE 39

The Secretary-General shall provide and direct the staff required by the General Assembly and any committees or subsidiary organs which it may establish.

RULE 40.—*Duties of the Secretariat*

The Secretariat shall receive, translate, print and distribute documents, reports and resolutions of the General Assembly, its committees and organs; interpret speeches made at the meetings; prepare, print and circulate the summary records of the session; have the custody and proper preservation of the documents in the archives of the General Assembly; publish the reports of the meetings; distribute all documents of the General Assembly to the Members of the United Nations, and, generally, perform all other work which the General Assembly may require.

RULE 41¹.—*Annual report of the Secretary-General*

The Secretary-General shall make an annual report, and such supplementary reports as are required, to the General Assembly on the work of the Organization. He shall communicate the annual report to the Members of the United Nations at least forty-five days before the opening of the session.

RULE 42.—*Notification under Article 12 of the Charter*

The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council, and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

RULE 43¹.—*Regulations concerning the Secretariat*

The General Assembly shall establish regulations concerning the staff of the Secretariat.

ARTICLE 39

Le Secrétaire général fournit et dirige le personnel nécessaire à l'Assemblée générale et aux commissions et organes subsidiaires constitués par elle.

ARTICLE 40.—*Fonctions du Secrétariat*

Le Secrétariat est chargé de recevoir, traduire, imprimer et distribuer les documents, rapports et résolutions de l'Assemblée générale, de ses commissions et de ses organes; d'assurer l'interprétation des discours prononcés au cours des séances; de rédiger, imprimer et communiquer les comptes rendus analytiques de la session; de conserver les documents dans les archives de l'Assemblée générale; de publier les comptes rendus des séances; de distribuer tous les documents de l'Assemblée générale aux Membres de l'Organisation, et, d'une manière générale, d'assumer toutes autres tâches que l'Assemblée générale juge bon de lui confier.

ARTICLE 41¹.—*Rapport annuel du Secrétaire général*

Le Secrétaire général présente à l'Assemblée générale un rapport annuel et tous rapports supplémentaires utiles sur l'activité de l'Organisation. Il communique le rapport annuel aux Membres des Nations Unies, quarante-cinq jours au moins avant l'ouverture de la session.

ARTICLE 42.—*Notification en vertu de l'Article 12 de la Charte*

Le Secrétaire général, avec l'assentiment du Conseil de sécurité, porte à la connaissance de l'Assemblée générale, lors de chaque session, les questions relatives au maintien de la paix et de la sécurité internationales dont s'occupe le Conseil de sécurité; il avise de même l'Assemblée générale ou, si elle ne siège pas, les Membres de l'Organisation, dès que le Conseil de sécurité cesse de s'occuper desdites affaires.

ARTICLE 43¹.—*Règlement relatif au Secrétariat*

L'Assemblée générale arrête le règlement relatif au personnel du Secrétariat.

¹ Rule based directly on a provision of the Charter.

¹ Article reposant directement sur une disposition de la Charte.

VIII. LANGUAGES

RULE 44.—*Official and working languages*

Chinese, English, French, Russian and Spanish shall be the official languages of the General Assembly, its committees and sub-committees. English, French and Spanish shall be the working languages.

RULE 45.—*Interpretation from a working language*

Speeches made in any of the working languages shall be interpreted into the other two working languages.

RULE 46.—*Interpretation from official languages*

Speeches made in either of the other two official languages shall be interpreted into the three working languages.

RULE 47.—*Interpretation from other languages*

Any representative may make a speech in a language other than the official languages. In this case, he shall himself provide for interpretation into one of the working languages. Interpretation into the other working languages by the interpreters of the Secretariat may be based on the interpretation given in the first working language.

RULE 48.—*Language of verbatim records*

Verbatim records shall be drawn up in the working languages. A translation of the whole or part of any verbatim record into either of the other two official languages shall be furnished if requested by any delegation.

RULE 49.—*Language of summary records*

Summary records shall be drawn up as soon as possible in the official languages.

RULE 50.—*Language of Journal*

The *Journal* of the General Assembly shall be issued in the working languages.

RULE 51.—*Language of resolutions and important documents*

All resolutions and other important documents shall be made available in the

VIII. LANGUES

ARTICLE 44.—*Langues officielles et langues de travail*

Le chinois, l'anglais, le français, le russe et l'espagnol sont les langues officielles de l'Assemblée générale, ses commissions et sous-commissions. L'anglais, le français et l'espagnol sont les langues de travail.

ARTICLE 45.—*Interprétation de discours prononcés dans une des langues de travail*

Les discours prononcés dans l'une des langues de travail sont interprétés dans les autres.

ARTICLE 46.—*Interprétation de discours prononcés dans une des langues officielles*

Les discours prononcés dans l'une des deux autres langues officielles sont interprétés dans les trois langues de travail.

ARTICLE 47.—*Interprétation de discours prononcés dans une autre langue*

Tout représentant peut prendre la parole dans une langue autre que les langues officielles. Dans ce cas, il assure l'interprétation dans l'une des langues de travail. Les interprètes du Secrétariat peuvent prendre pour base de leurs interprétations dans les autres langues de travail celle qui aura été faite dans la première langue de travail utilisée.

ARTICLE 48.—*Langues à utiliser pour les comptes rendus sténographiques*

Les comptes rendus sténographiques sont établis dans les langues de travail. La traduction de tout ou partie d'un compte rendu sténographique dans l'une des deux autres langues officielles sera fournie si elle est demandée par une délégation.

ARTICLE 49.—*Langues à utiliser pour les comptes rendus analytiques*

Des comptes rendus analytiques sont établis aussitôt que possible dans les langues officielles.

ARTICLE 50.—*Langues à utiliser pour le Journal*

Le *Journal* de l'Assemblée générale est publié dans les langues de travail.

ARTICLE 51.—*Langues à utiliser pour les résolutions et les documents importants*

Toutes les résolutions et autres documents importants sont communiqués

official languages. Upon the request of any representative, any other document shall be made available in any or all of the official languages.

RULE 52.—*Publications in languages other than the official languages*

Documents of the General Assembly, its committees and sub-committees, shall, if the General Assembly so decides, be published in any languages other than the official languages.

IX. RECORDS

RULE 53.—*Verbatim records*

Verbatim records of all plenary meetings shall be drawn up by the Secretariat and submitted to the General Assembly after approval by the President. Verbatim records shall also be made of the proceedings of the Main Committees established by the General Assembly. Other committees or sub-committees may decide upon the form of their records.

RULE 54.—*Resolutions*

Resolutions adopted by the General Assembly shall be communicated by the Secretary-General to the Members of the United Nations within fifteen days after the termination of the session.

**X. PUBLIC AND PRIVATE MEETINGS:
PLENARY MEETINGS; MEETINGS OF
COMMITTEES AND SUB-COMMITTEES**

RULE 55.—*General principles*

The meetings of the General Assembly and its Main Committees shall be held in public unless the body concerned decides that exceptional circumstances require that the meeting be held in private. Meetings of other committees and sub-committees shall also be held in public unless the body concerned decides otherwise.

RULE 56.—*Private meetings*

All decisions of the General Assembly taken at a private meeting shall be announced at an early public meeting of the General Assembly. At the close of each private meeting of the Main Committees,

dans les langues officielles. Sur demande d'un représentant, tout autre document sera établi dans l'une quelconque des langues officielles ou dans toutes ces langues.

ARTICLE 52.—*Publications en langues autres que les langues officielles*

Les documents de l'Assemblée générale, de ses commissions et de ses sous-commissions, seront publiés dans n'importe quelle langue non officielle, si l'Assemblée en décide ainsi.

IX. COMPTES RENDUS DES SÉANCES

ARTICLE 53.—*Comptes rendus sténographiques*

Le Secrétariat établit un compte rendu sténographique de toutes les séances plénières, qui est soumis à l'Assemblée générale après avoir reçu l'approbation du Président. Il est également établi des comptes rendus sténographiques des débats des grandes Commissions constituées par l'Assemblée générale. Les autres commissions ou sous-commissions peuvent fixer la forme dans laquelle seront établis leurs comptes rendus.

ARTICLE 54.—*Résolutions*

Les résolutions adoptées par l'Assemblée générale sont communiqués par le Secrétaire général aux Membres de l'Organisation dans les quinze jours qui suivent la clôture de la session.

**X. SÉANCES PUBLIQUES ET PRIVÉES:
SÉANCES PLÉNIÈRES; SÉANCES DES
COMMISSIONS ET SOUS-COMMISSIONS**

ARTICLE 55.—*Principes généraux*

Les séances de l'Assemblée générale et de ses grandes Commissions sont publiques, à moins que l'organisme intéressé ne décide de se réunir en séance privée, en raison de circonstances exceptionnelles. Les séances des autres commissions et sous-commissions sont également publiques, à moins que l'organisme intéressé n'en décide autrement.

ARTICLE 56.—*Séances privées*

Toutes les décisions prises par l'Assemblée générale en séance privée sont annoncées lors d'une de ses prochaines séances publiques. A la fin de chaque séance privée des grandes Commissions,

other committees and sub-committees, the Chairman may issue a communiqué through the Secretary-General.

des comités et des sous-comités, le Président pourra faire publier un communiqué par l'intermédiaire du Secrétaire général.

XI. PLENARY MEETINGS

CONDUCT OF BUSINESS

RULE 57.—*Report of the Secretary-General*

Proposals to refer any portion of the report of the Secretary-General to one of the Main Committees without debate shall be decided upon by the General Assembly without previous reference to the General Committee.

RULE 58.—*Reference to committees*

The General Assembly shall not, unless it decides otherwise, make a final decision upon any item on the agenda until it has received the report of a committee on that item.

RULE 59.—*Discussion of committee reports*

Discussion of a report of a Main Committee in a plenary meeting of the General Assembly shall take place if at least one-third of the Members present and voting at the plenary meeting consider such a discussion to be necessary.

RULE 60.—*Quorum*

A majority of the Members of the General Assembly shall constitute a quorum.

RULE 61.—*Speeches*

No representative may address the General Assembly without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

RULE 62.—*Precedence*

The Chairman and the Rapporteur of a committee may be accorded precedence for the purpose of explaining the conclusion arrived at by their committee.

RULE 63.—*Statements by the Secretariat*

The Secretary-General, or a member of the Secretariat designated by him as his representative, may at any time make either oral or written statements to the

XI. SÉANCES PLÉNIÈRES

CONDUITE DES DÉBATS

ARTICLE 57.—*Rapport du Secrétaire général*

L'Assemblée générale se prononce, sans renvoi préalable au Bureau, sur les propositions tendant au renvoi sans discussion à l'une des grandes Commissions, d'une partie quelconque du rapport du Secrétaire général.

ARTICLE 58.—*Renvoi aux commissions*

L'Assemblée générale, à moins qu'elle n'en décide autrement, ne prend de décision définitive sur les points de son ordre du jour qu'après avoir reçu à leur sujet le rapport d'une commission.

ARTICLE 59.—*Discussion des rapports des commissions*

Le rapport d'une grande Commission fait l'objet d'une discussion en séance plénière de l'Assemblée générale si le tiers au moins des Membres présents et votants en séance plénière estime cette discussion nécessaire.

ARTICLE 60.—*Quorum*

Le quorum est constitué par la majorité des Membres de l'Assemblée générale.

ARTICLE 61.—*Discours*

Aucun représentant ne peut prendre la parole à l'Assemblée générale sans avoir, au préalable, obtenu l'autorisation du Président. Le Président donne la parole aux orateurs dans l'ordre où ils l'ont demandée. Le Président peut rappeler à l'ordre l'orateur dont les remarques n'ont pas trait au sujet en discussion.

ARTICLE 62.—*Tour de priorité*

Le Président et le Rapporteur d'une commission peuvent bénéficier d'un tour de priorité pour expliquer les conclusions de leur commission.

ARTICLE 63.—*Déclarations du Secrétariat*

Le Secrétaire général, ou un membre du Secrétariat désigné par lui comme son représentant, peut, à tout moment, présenter à l'Assemblée générale, oralement ou par

General Assembly concerning any question under consideration by it.

RULE 64.—*Points of order*

During the discussion of any matter, a representative may rise to a point of order and the point of order shall be immediately decided by the President in accordance with the rules of procedure. A representative may appeal against the ruling of the President. The appeal shall immediately be put to the vote, and the President's ruling shall stand unless overruled by a majority of the Members present and voting.

RULE 65.—*Time limit on speeches*

The General Assembly may limit the time to be allowed to each speaker.

RULE 66.—*Closing of list of speakers*

During the course of a debate the President may announce the list of speakers and, with the consent of the General Assembly, declare the list closed. He may, however, accord the right of reply to any Member if a speech delivered after he has declared the list closed makes this desirable.

RULE 67.—*Adjournment of debate*

During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote.

RULE 68.—*Closure of debate*

A representative may at any time move the closure of the debate on the item under discussion whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote. If the General Assembly is in favour of the closure, the President shall declare the closure of the debate.

RULE 69.—*Suspension or adjournment of the meeting*

During the discussion of any matter, a representative may move the suspension

écrit, des exposés sur toute question soumise à l'examen de l'Assemblée générale.

ARTICLE 64.—*Motions d'ordre*

Au cours de la discussion d'une question, un représentant peut soulever une motion d'ordre et le Président prend immédiatement une décision conformément au règlement. Un représentant peut en appeler de la décision du Président. L'appel est immédiatement mis aux voix et la décision du Président, si elle n'est pas annulée par la majorité des Membres présents et votants, est maintenue.

ARTICLE 65.—*Limitation du temps de parole*

L'Assemblée générale peut limiter le temps de parole de chaque orateur.

ARTICLE 66.—*Clôture de la liste des orateurs*

Au cours d'un débat, le Président peut donner lecture de la liste des orateurs et, avec l'assentiment de l'Assemblée générale, déclarer cette liste close. Il peut cependant accorder le droit de réponse à un Membre quelconque lorsqu'un discours prononcé après la clôture de la liste des orateurs le rend opportun.

ARTICLE 67.—*Ajournement du débat*

Au cours de la discussion d'une question, un représentant peut demander l'ajournement du débat sur la question en discussion. Outre l'auteur de la motion, deux orateurs pour et deux contre peuvent prendre la parole, après quoi la motion est immédiatement mise aux voix.

ARTICLE 68.—*Clôture du débat*

A tout moment, un représentant peut demander la clôture du débat sur la question en discussion, même si d'autres représentants ont manifesté le désir de prendre la parole. L'autorisation de prendre la parole au sujet de la clôture du débat n'est accordée qu'à deux orateurs s'opposant à la clôture, après quoi la motion est immédiatement mise aux voix. Si l'Assemblée générale approuve la motion, le Président prononce la clôture de la discussion.

ARTICLE 69.—*Suspension ou ajournement de la séance*

Pendant la discussion d'une question quelconque, un représentant peut de-

or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote.

RULE 70.—Order of procedural motions

Subject to rule 64, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the item under discussion;
- (d) For the closure of the debate on the item under discussion.

RULE 71.—Proposals and amendments

Proposals and amendments shall normally be introduced in writing and handed to the Secretary-General, who shall circulate copies to the delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the General Assembly unless copies of it have been circulated to all delegations not later than the day preceding the meeting. The President may, however, permit the discussion and consideration of amendments, or of motions as to procedure, even though these amendments and motions have not been circulated or have only been circulated the same day.

RULE 72.—Decisions on competence

Subject to rule 70, any motion calling for a decision on the competence of the General Assembly to adopt a proposal submitted to it shall be put to the vote immediately before a vote is taken on the proposal in question.

RULE 73.—Withdrawal of motions

A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be reintroduced by any Member.

RULE 74.—Reconsideration of proposals

When a proposal has been adopted or rejected it may not be reconsidered at the same session unless the General Assembly,

mander la suspension ou l'ajournement de la séance. Les motions en ce sens ne sont pas discutées, mais sont immédiatement mises aux voix.

ARTICLE 70.—Ordre des motions de procédure

Sous réserve des dispositions de l'article 64, les motions suivantes ont priorité, dans l'ordre indiqué ci-après, sur toutes les autres propositions ou motions présentées:

- a) Suspension de séance;
- b) Ajournement de séance;
- c) Ajournement du débat sur la question en discussion;
- d) Clôture du débat sur la question en discussion.

ARTICLE 71.—Propositions et amendements

Les propositions et amendements sont normalement remis par écrit au Secrétaire général qui les communique aux délégations. En règle générale, aucune proposition n'est discutée ni mise aux voix, à une séance quelconque, si le texte n'en a pas été communiqué à toutes les délégations au plus tard la veille de la séance. Le Président peut cependant autoriser la discussion et l'examen d'amendements ou de motions de procédure, même si ces amendements et motions n'ont pas été communiqués ou l'ont seulement été le même jour.

ARTICLE 72.—Décisions sur la compétence

Sous réserve des dispositions de l'article 70, toute motion tendant à ce qu'il soit prononcé sur la compétence de l'Assemblée générale à adopter une proposition qui lui est soumise, est mise aux voix immédiatement avant le vote sur la proposition en cause.

ARTICLE 73.—Retrait des motions

L'auteur d'une motion peut toujours la retirer avant qu'elle n'ait été mise aux voix, à condition qu'elle n'ait pas fait l'objet d'un amendement. Une motion qui est ainsi retirée peut être représentée par un Membre quelconque.

ARTICLE 74.—Remise en discussion des propositions

Lorsqu'une proposition est adoptée ou rejetée, elle ne peut être examinée à nouveau au cours de la même session, à moins

by a two-thirds majority of the Members present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote.

VOTING

RULE 75.—*Voting rights*

Each Member of the General Assembly shall have one vote.

RULE 76.—*Two-thirds majority*

Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the Members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 c of Article 86 of the Charter, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the Trusteeship System, and budgetary questions.

RULE 77.—*Simple majority*

Decisions of the General Assembly on questions other than those provided for in rule 76, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the Members present and voting.

RULE 78.—*Meaning of the expression "Members present and voting"*

For the purpose of these rules, the phrase "Members present and voting" means Members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.

RULE 79.—*Method of voting*

The General Assembly shall normally vote by show of hands or by standing, but any representative may request a

que l'Assemblée générale n'en décide ainsi à la majorité des deux tiers des Membres présents et votants. L'autorisation de prendre la parole à l'occasion d'une motion présentée en faveur d'un nouvel examen est accordée seulement à deux orateurs s'opposant à la motion, après quoi elle est immédiatement mise aux voix.

VOTE

ARTICLE 75.—*Droit de vote*

Chaque Membre de l'Assemblée générale dispose d'une voix.

ARTICLE 76.—*Majorité des deux tiers*

Les décisions de l'Assemblée générale sur les questions importantes sont prises à la majorité des deux tiers des Membres présents et votants. Sont considérées comme questions importantes: les recommandations relatives au maintien de la paix et de la sécurité internationales, l'élection des membres non permanents du Conseil de sécurité, l'élection des membres du Conseil économique et social, l'élection des membres du Conseil de tutelle conformément au paragraphe 1 c de l'Article 86 de la Charte, l'admission de nouveaux Membres dans l'Organisation, la suspension des droits et privilèges de Membres, l'exclusion de Membres, les questions relatives au fonctionnement du régime de tutelle et les questions budgétaires.

ARTICLE 77.—*Majorité simple*

Les décisions de l'Assemblée générale sur des questions autres que celles prévues par l'article 76, y compris la détermination de nouvelles catégories de questions à trancher à la majorité des deux tiers, sont prises à la majorité des Membres présents et votants.

ARTICLE 78.—*Sens de l'expression "Membres présents et votants"*

Aux fins du présent règlement, l'expression "Membres présents et votants" s'entend des Membres votant pour ou contre. Les Membres qui s'abstiennent de voter sont considérés comme non votants.

ARTICLE 79.—*Scrutin*

L'Assemblée générale vote normalement à main levée, ou par levé et assis, mais tout représentant peut demander le

roll-call. The roll-call shall be taken in the English alphabetical order of the names of the Members, beginning with the Member whose name is drawn by lot by the President. The name of each Member shall be called in any roll-call and one of its representatives shall reply "Yes", "No" or "Abstention". The result of the voting shall be inserted in the record in the English alphabetical order of the names of the Members.

RULE 80.—*Conduct during voting*

After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connexion with the actual conduct of the voting. Explanations of their votes by Members may, however, be permitted by the President either before or after the voting.

RULE 81.—*Division of proposals*

Parts of a proposal shall be voted on separately if a representative requests that the proposal be divided. The resulting proposal shall then be put to a final vote in its entirety.

RULE 82.—*Voting on amendments*

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the General Assembly shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on, until all the amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

RULE 83.—*Voting on proposals*

If two or more proposals relate to the same question, the General Assembly shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The General Assembly may, after each vote on a proposal,

vote par appel nominal. L'appel sera fait dans l'ordre alphabétique anglais des noms des Membres en commençant par le Membre dont le nom est tiré au sort par le Président. Dans le vote par appel nominal, on appelle chaque Membre et un représentant répond "oui", "non" ou "abstention". Les résultats du scrutin sont consignés au compte rendu, suivant l'ordre alphabétique anglais des noms des Membres.

ARTICLE 80.—*Règles à observer pendant le vote*

Lorsque le Président a annoncé que le scrutin commence, aucun représentant ne peut interrompre le scrutin, sauf s'il s'agit d'une motion d'ordre ayant trait à la manière dont s'effectue le scrutin en question. Cependant le Président peut permettre aux Membres de donner des explications sur leur vote soit avant, soit après le scrutin.

ARTICLE 81.—*Division des propositions*

La division est de droit si elle est demandée. Après le vote sur les différentes parties, la proposition qui en résulte est mise aux voix pour adoption définitive.

ARTICLE 82.—*Vote sur les amendements*

Lorsqu'une proposition fait l'objet d'un amendement, l'amendement est mis aux voix en premier lieu. Si deux ou plusieurs amendements à une proposition sont en présence, l'Assemblée générale vote d'abord sur celui qui s'éloigne le plus, quant au fond, de la proposition primitive. Elle vote ensuite sur l'amendement qui, après celui-ci, s'éloigne le plus de ladite proposition, et ainsi de suite jusqu'à ce que tous les amendements aient été mis aux voix. Si un ou plusieurs amendements sont adoptés, on vote ensuite sur la proposition modifiée. Une motion est considérée comme un amendement à une proposition si elle comporte simplement une addition, une suppression ou une modification intéressant une partie de ladite proposition.

ARTICLE 83.—*Vote sur les propositions*

Si deux ou plusieurs propositions relatives à la même question sont en présence, l'Assemblée générale, à moins qu'elle n'en décide autrement, vote sur ces propositions selon l'ordre dans lequel elles ont été présentées. Après chaque vote,

decide whether to vote on the next proposal.

RULE 84.—Elections

All elections shall be held by secret ballot. There shall be no nominations.

RULE 85

When only one person or Member is to be elected and no candidate obtains in the first ballot the majority required, a second ballot shall be taken which shall be restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, and a majority is required, the President shall decide between the candidates by drawing lots. If a two-thirds majority is required, the balloting shall be continued until one candidate secures two-thirds of the votes cast; provided that, after the third inconclusive ballot, votes may be cast for any eligible person or Member. If three such unrestricted ballots are inconclusive, the next three ballots shall be restricted to the two candidates who obtained the greatest number of votes in the third of the unrestricted ballots, and the following three ballots thereafter shall be unrestricted, and so on until a person or Member is elected. These provisions shall not prejudice the application of rules 132, 133, 135 and 137.

RULE 86

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining such majority is less than the number of persons or Members to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled; provided that, after the third inconclusive ballot, votes may be cast for any eligible person or Member. If three such unrestricted

l'Assemblée générale peut décider si elle votera sur la proposition suivante.

ARTICLE 84.—Elections

Toutes les élections ont lieu au scrutin secret. Il ne sera pas fait de présentation de candidatures.

ARTICLE 85

Lorsqu'il s'agit d'élire une seule personne ou un seul Membre, et qu'aucun candidat ne recueille au premier tour la majorité prévue, on procède à un second tour de scrutin, mais le vote ne porte plus que sur les deux candidats ayant obtenu le plus grand nombre de voix. Si les deux candidats recueillent le même nombre de voix à ce second tour, et si la majorité est requise, le Président décide entre les candidats en tirant au sort. Dans le cas où la majorité des deux tiers est requise, le scrutin continue jusqu'à ce qu'un des candidats recueille les deux tiers des suffrages exprimés; toutefois, après le troisième tour de scrutin non décisif, les Membres ont le droit de voter pour toute personne ou Membre éligible. Si trois tours de scrutin ont lieu selon cette dernière procédure sans donner de résultat, les trois scrutins suivants ne portent plus que sur les deux candidats ayant obtenu le plus grand nombre de voix au troisième des scrutins qui ont eu lieu selon la procédure ci-dessus; aux trois tours de scrutins suivants, les Membres ont de nouveau le droit de voter pour toute personne ou Membre éligible et ainsi de suite jusqu'à ce qu'une personne ou un Membre soit élu. Ces dispositions ne portent pas atteinte à l'application des articles 132, 133, 135 et 137.

ARTICLE 86

Quand deux ou plusieurs postes doivent être pourvus par voie d'élection en même temps et dans les mêmes conditions, les candidats qui, au premier tour, obtiennent la majorité requise sont élus. Si le nombre de candidats obtenant cette majorité est inférieur au nombre des personnes ou des Membres à élire, on procède à d'autres tours de scrutin afin de pourvoir les postes encore vacants, le vote ne portant que sur les candidats qui ont obtenu le plus grand nombre de suffrages au scrutin précédent et qui ne doivent pas être en nombre supérieur au double de celui des postes restant à pourvoir; toutefois, après le troisième tour de scrutin non décisif, les

ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled. These provisions shall not prejudice the application of rules 132, 133, 135 and 137.

RULE 87.—*Equally divided votes*

If a vote is equally divided on matters other than elections, a second vote shall be taken at a subsequent meeting which shall be held within forty-eight hours of the first vote, and it shall be expressly mentioned in the agenda that a second vote will be taken on the matter in question. If this vote also results in equality, the proposal shall be regarded as rejected.

XII. COMMITTEES

CREATION, OFFICERS, ETC.

RULE 88.—*Creation*

The General Assembly may set up such committees as it deems necessary for the performance of its functions.

RULE 89.—*Categories of subjects*

Items relating to the same category of subjects shall be referred to the committee or committees dealing with that category of subjects. Committees shall not introduce new items on their own initiative.

RULE 90.—*Main Committees*

The Main Committees of the General Assembly are:

- (1) Political and Security Committee (including the regulation of armaments);
- (2) Economic and Financial Committee;
- (3) Social, Humanitarian and Cultural Committee;

Membres ont le droit de voter pour toute personne ou Membre éligible. Si trois tours de scrutin ont lieu selon cette dernière procédure sans donner de résultats, les trois scrutins suivants ne portent plus que sur les candidats ayant obtenu le plus grand nombre de voix au troisième des scrutins qui ont eu lieu selon la procédure ci-dessus, ces candidats ne devant pas être en nombre supérieur au double de celui des postes restant à pourvoir; aux trois tours de scrutin suivants les Membres ont de nouveau le droit de voter pour toute personne ou Membre éligible, et ainsi de suite jusqu'à ce qu'une personne ou un Membre soit élu. Ces dispositions ne portent pas atteinte à l'application des articles 132, 133, 135 et 137.

ARTICLE 87.—*Partage égal des voix*

En cas de partage égal des voix lors d'un vote ne portant pas sur des élections, on procède à un deuxième vote au cours d'une séance suivante qui se tient quarante-huit heures après le premier vote et l'ordre du jour mentionne expressément que la question dont il s'agit fera l'objet d'un second vote. S'il y a encore égalité, la proposition est considérée comme repoussée.

XII. COMMISSIONS

CRÉATION, BUREAUX, ETC.

ARTICLE 88.—*Création*

L'Assemblée générale peut constituer les commissions qu'elle juge nécessaires pour l'accomplissement de sa tâche.

ARTICLE 89.—*Catégories de sujets*

Les questions se rapportant à une même catégorie de sujets sont renvoyées à la commission ou aux commissions qui s'occupent de cette catégorie. Les commissions n'abordent pas de nouvelles questions de leur propre initiative.

ARTICLE 90.—*Grandes Commissions*

Les grandes Commissions de l'Assemblée générale sont les suivantes:

- 1) Commission des questions politiques et de sécurité (y compris la réglementation des armements);
- 2) Commission économique et financière;
- 3) Commission des questions sociales, humanitaires et culturelles;

(4) Trusteeship Committee (including Non-Self-Governing Territories);

(5) Administrative and Budgetary Committee; and

(6) Legal Committee.

RULE 91.—Representation of Members

Each Member may be represented by one person on each Main Committee and on any other committee that may be constituted upon which all Members have the right to be represented. It may also assign to these committees advisers, technical advisers, experts or persons of similar status.

RULE 92.—Representation of Members
(continued)

Upon designation by the Chairman of the delegation, advisers, technical advisers, experts or persons of similar status may act as members of committees. Persons of this status shall not, however, unless designated as alternate representatives, be eligible for appointment as Chairmen, Vice-Chairmen or Rapporteurs of committees or for seats in the General Assembly.

RULE 93.—Sub-committees

Each committee may set up sub-committees, which shall elect their own officers.

RULE 94.—Officers

Each committee shall elect its own Chairman, Vice-Chairman and Rapporteur. These officers shall be elected on the basis of equitable geographical distribution, experience and personal competence. These elections shall be held by secret ballot.

RULE 95.—The Chairman of a Main Committee shall not vote

The Chairman of a Main Committee shall not vote but another member of his delegation may vote in his place.

RULE 96.—Absence of officers

If the Chairman finds it necessary to be absent during a meeting or any part thereof, the Vice-Chairman shall take his place. A Vice-Chairman acting as Chair-

4) Commission de tutelle (y compris les territoires non autonomes);

5) Commission des questions administratives et budgétaires;

6) Commission juridique.

ARTICLE 91.—Représentation des Etats Membres

Chaque Membre peut être représenté par une personne à chacune des grandes Commissions, ainsi qu'à toute autre commission qui peut être créée et à laquelle tous les Membres ont le droit d'être représentés. Il peut aussi affecter à ces commissions des conseillers, conseillers techniques, experts ou personnes d'une catégorie analogue.

ARTICLE 92.—Représentation des Etats Membres (suite)

Sur désignation du Président de la délégation intéressée, les conseillers, conseillers techniques, experts et personnes de catégorie analogue, peuvent agir en qualité de membres des commissions. Toutefois, les personnes de cette catégorie ne peuvent être nommées Présidents, Vice-Présidents ou Rapporteurs de commissions ni siéger à l'Assemblée générale, à moins qu'elles n'aient été désignées comme représentants suppléants.

ARTICLE 93.—Sous-commissions

Chaque commission peut nommer des sous-commissions qui élisent elles-mêmes leur bureau.

ARTICLE 94.—Membres du bureau

Chaque commission élit son Président, son Vice-Président et son Rapporteur. Ce bureau est élu en tenant compte d'une répartition géographique équitable, de l'expérience et de la compétence personnelles des candidats. Ces élections auront lieu au scrutin secret.

ARTICLE 95.—Les Présidents des grandes Commissions ne prennent pas part aux scrutins

Le Président d'une grande Commission ne vote pas, mais un autre membre de sa délégation peut voter à sa place.

ARTICLE 96.—Absence de membres du bureau

Si le Président est obligé de s'absenter pendant une séance ou une partie de séance, le Vice-Président le remplace. Un Vice-Président agissant en qualité de

man shall have the same powers and duties as the Chairman. If any officer of the committee is unable to perform his functions, a new officer shall be elected for the unexpired term.

RULE 97.—*Functions of the Chairman*

The Chairman shall declare the opening and closing of each meeting of the committee, shall direct its discussions, ensure observance of these rules, accord the right to speak, put questions and announce decisions. He shall rule on points of order and, subject to these rules, shall have complete control of the proceedings of the committee and over the maintenance of order at its meetings.

CONDUCT OF BUSINESS

RULE 98.—*Quorum*

A majority of the members of a committee shall constitute a quorum.

RULE 99.—*Speeches*

No representative may address the committee without having previously obtained the permission of the Chairman. The Chairman shall call upon speakers in the order in which they signify their desire to speak. The Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

RULE 100.—*Precedence*

The Chairman and the Rapporteur of a committee or sub-committee may be accorded precedence for the purpose of explaining the conclusion arrived at by their committee or sub-committee.

RULE 101.—*Statements by the Secretariat*

The Secretary-General or a member of the Secretariat designated by him as his representative may, at any time, make oral or written statements to any committee or sub-committee concerning any question under consideration by it.

RULE 102.—*Points of order*

During the discussion of any matter, a representative may rise to a point of order and the point of order shall be immediately decided by the Chairman in accordance with the rules of procedure. A representative may appeal against the

Président a les mêmes pouvoirs et les mêmes devoirs que le Président. Si un membre du bureau d'une commission se trouve dans l'impossibilité de s'acquitter de ses fonctions, on élit un nouveau membre pour le reste de la durée du mandat.

ARTICLE 97.—*Fonctions du Président*

Le Président prononce l'ouverture et la clôture de chaque séance de la commission, dirige les discussions, assure l'application du règlement, donne la parole, met les questions aux voix et proclame les décisions. Il statue sur les questions d'ordre et, conformément aux dispositions du présent règlement, règle entièrement les débats à chaque séance et y assure le maintien de l'ordre.

CONDUITE DES DÉBATS

ARTICLE 98.—*Quorum*

Le quorum est constitué par la majorité des membres de la commission.

ARTICLE 99.—*Discours*

Aucun représentant ne peut prendre la parole en commission sans avoir, au préalable, obtenu l'autorisation du Président. Le Président donne la parole aux orateurs dans l'ordre où ils l'ont demandée. Le Président peut rappeler à l'ordre l'orateur dont les remarques n'ont pas trait au sujet en discussion.

ARTICLE 100.—*Tour de priorité*

Le Président et le Rapporteur d'une commission ou d'une sous-commission peuvent bénéficier d'un tour de priorité pour expliquer les conclusions de leur commission ou sous-commission.

ARTICLE 101.—*Déclarations du Secrétariat*

Le Secrétaire général, ou un membre du Secrétariat désigné par lui comme son représentant, peut, à tout moment, présenter à toute commission ou sous-commission, oralement ou par écrit, des exposés sur toute question soumise à l'examen de cette commission ou sous-commission.

ARTICLE 102.—*Motions d'ordre*

Au cours de la discussion d'une question, un représentant peut soulever une motion d'ordre et le Président prend immédiatement une décision conformément au règlement. Un représentant peut en appeler de la décision du Président.

ruling of the Chairman. The appeal shall immediately be put to the vote, and the Chairman's ruling shall stand unless overruled by a majority of the members present and voting.

RULE 103.—*Time limit on speeches*

The committee may limit the time to be allowed to each speaker.

RULE 104.—*Closing of list of speakers*

During the course of a debate the Chairman may announce the list of speakers, and, with the consent of the committee, declare the list closed. He may, however, accord the right of reply to any member if a speech delivered after he has declared the list closed makes this desirable.

RULE 105.—*Adjournment of debate*

During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote.

RULE 106.—*Closure of debate*

A representative may at any time move the closure of the debate on the item under discussion whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote. If the committee is in favour of the closure the Chairman shall declare the closure of the debate.

RULE 107.—*Suspension or adjournment of the meeting*

During the discussion of any matter, a representative may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote.

RULE 108.—*Order of procedural motions*

Subject to rule 102, the following motions shall have precedence in the follow-

L'appel est immédiatement mis aux voix et la décision du Président, si elle n'est pas annulée par la majorité des membres présents et votants, est maintenue.

ARTICLE 103.—*Limitation du temps de parole*

La Commission peut limiter le temps de parole de chaque orateur.

ARTICLE 104.—*Clôture de la liste des orateurs*

Au cours d'un débat, le Président peut donner lecture de la liste des orateurs et, avec l'assentiment de la commission, déclarer cette liste close. Il peut cependant accorder le droit de réponse à un membre quelconque lorsqu'un discours prononcé après la clôture de la liste des orateurs le rend opportun.

ARTICLE 105.—*Ajournement du débat*

Pendant la discussion d'une question, un représentant peut demander l'ajournement du débat sur la question en discussion. Outre l'auteur de la motion, deux orateurs pour et deux contre peuvent prendre la parole, après quoi la motion est immédiatement mise aux voix.

ARTICLE 106.—*Clôture du débat*

A tout moment, un représentant peut demander la clôture du débat sur la question en discussion, même si d'autres représentants ont manifesté le désir de prendre la parole. L'autorisation de prendre la parole au sujet de la clôture du débat n'est accordée qu'à deux orateurs s'opposant à la clôture, après quoi la motion est immédiatement mise aux voix. Si la commission approuve la motion, le Président prononce la clôture de la discussion.

ARTICLE 107.—*Suspension ou ajournement de la séance*

Pendant la discussion d'une question quelconque, un représentant peut demander la suspension ou l'ajournement de la séance. Les motions en ce sens ne sont pas discutées, mais sont immédiatement mises aux voix.

ARTICLE 108.—*Ordre des motions de procédure*

Sous réserve des dispositions de l'article 102, les motions suivantes ont priorité,

ing order over all other proposals or motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the item under discussion;
- (d) For the closure of the debate on the item under discussion.

RULE 109.—*Proposals and amendments*

Proposals and amendments shall normally be introduced in writing and handed to the Secretary-General, who shall circulate copies to the delegations. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the committee unless copies of it have been circulated to all delegations not later than the day preceding the meeting. The Chairman may, however, permit the discussion and consideration of amendments, or of motions as to procedure, even though these amendments and motions have not been circulated or have only been circulated the same day.

RULE 110.—*Decisions on competence*

Subject to rule 108, any motion calling for a decision on the competence of the General Assembly to adopt a proposal submitted to it shall be put to the vote immediately before a vote is taken on the proposal in question.

RULE 111.—*Withdrawal of motions*

A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be reintroduced by any member.

RULE 112.—*Reconsideration of proposals*

When a proposal has been adopted or rejected it may not be reconsidered at the same session unless the committee, by a two-thirds majority of the members present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote.

dans l'ordre ci-après, sur toutes les autres propositions ou motions présentées:

- a) Suspension de séance;
- b) Ajournement de séance;
- c) Ajournement du débat sur la question en discussion;
- d) Clôture du débat sur la question en discussion.

ARTICLE 109.—*Propositions et amendements*

Les propositions et amendements sont normalement remis par écrit au Secrétaire général, qui les communique aux délégations. En règle générale, aucune proposition n'est discutée ni mise aux voix, à une séance quelconque, si le texte n'en a pas été communiqué à toutes les délégations au plus tard la veille de la séance. Le Président peut cependant autoriser la discussion et l'examen d'amendements ou de motions de procédure, même si ces amendements et motions n'ont pas été communiqués ou l'ont seulement été le même jour.

ARTICLE 110.—*Décisions sur la compétence*

Sous réserve des dispositions de l'article 108, toute motion tendant à ce qu'il soit prononcé sur la compétence de l'Assemblée générale à adopter une proposition qui lui est soumise, est mise aux voix immédiatement avant le vote sur la proposition en cause.

ARTICLE 111.—*Retrait des motions*

L'auteur d'une motion peut toujours la retirer avant qu'elle n'ait été mise aux voix, à condition qu'elle n'ait pas fait l'objet d'un amendement. Une motion qui est ainsi retirée peut être représentée par un membre quelconque.

ARTICLE 112.—*Remise en discussion des propositions*

Lorsqu'une proposition est adoptée ou rejetée, elle ne peut être examinée à nouveau au cours de la même session, à moins que la commission n'en décide ainsi à la majorité des deux tiers des membres présents et votants. L'autorisation de prendre la parole à l'occasion d'une motion présentée en faveur d'un nouvel examen est accordée seulement à deux orateurs s'opposant à la motion, après quoi elle est immédiatement mise aux voix.

VOTING

RULE 113.—*Voting rights*

Each member of the committee shall have one vote.

RULE 114.—*Majority required*

Decisions in the committees of the General Assembly shall be taken by a majority of the members present and voting.

RULE 115.—*Meaning of the expression "Members present and voting"*

For the purposes of these rules, the phrase "members present and voting" means members casting an affirmative or negative vote. Members who abstain from voting are considered as not voting.

RULE 116.—*Method of voting*

The committee shall normally vote by show of hands or by standing, but any representative may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the members, beginning with the member whose name is drawn by lot by the Chairman. The name of each member shall be called in any roll-call and he shall reply "Yes", "No" or "Abstention". The result of the voting shall be inserted in the record in the English alphabetical order of the names of the members.

RULE 117.—*Conduct during voting*

After the Chairman has announced the beginning of voting, no representative shall interrupt the vote except on a point of order in connexion with the actual conduct of the voting. Explanations of their votes by members may, however, be permitted by the Chairman either before or after the voting.

RULE 118.—*Division of proposals*

Parts of a proposal shall be voted on separately if a representative requests that the proposal be divided. The resulting proposal shall be put to a final vote in its entirety.

RULE 119.—*Voting on amendments*

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments

VOTE

ARTICLE 113.—*Droit de vote*

Chaque membre d'une commission dispose d'une voix.

ARTICLE 114.—*Majorité requise*

Les décisions des commissions de l'Assemblée générale sont prises à la majorité des membres présents et votants.

ARTICLE 115.—*Sens de l'expression "membres présents et votants"*

Aux fins du présent règlement, l'expression "membres présents et votants" s'entend des membres votant pour ou contre. Les membres qui s'abstiennent de voter sont considérés comme non votants.

ARTICLE 116.—*Scrutin*

La commission vote normalement à main levée, ou par levé et assis, mais tout représentant peut demander le vote par appel nominal. L'appel sera fait dans l'ordre alphabétique anglais des noms des membres, en commençant par le membre dont le nom est tiré au sort par le Président. Dans le vote par appel nominal, on appelle chaque membre et il répond "oui" ou "non" ou "abstention". Les résultats du scrutin sont consignés au compte rendu suivant l'ordre alphabétique anglais des noms des membres.

ARTICLE 117.—*Règles à observer pendant le vote*

Lorsque le Président a annoncé que le scrutin commence, aucun membre ne peut interrompre le vote, sauf s'il s'agit d'une motion d'ordre ayant trait à la manière dont s'effectue le scrutin en question. Cependant, le Président peut permettre aux membres de donner des explications sur leur vote soit avant, soit après le scrutin.

ARTICLE 118.—*Division des propositions*

La division est de droit si elle est demandée. Après le vote sur les différentes parties, la proposition qui en résulte est mise aux voix pour adoption définitive.

ARTICLE 119.—*Vote sur les amendements*

Lorsqu'une proposition fait l'objet d'un amendement, l'amendement est mis aux voix en premier lieu. Si deux ou

are moved to a proposal, the committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on, until all the amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

RULE 120.—*Voting on proposals*

If two or more proposals relate to the same question, a committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. A committee may, after each vote on a proposal, decide whether to vote on the next proposal.

RULE 121.—*Elections*

When only one person or member is to be elected and no candidate obtains in the first ballot the majority required, a second ballot shall be taken, which shall be restricted to the two candidates obtaining the largest number of votes. If in the second ballot, the votes are equally divided, and a majority is required, the Chairman shall decide between the candidates by drawing lots.

RULE 122.—*Equally divided votes*

If a vote is equally divided on matters other than elections the proposal shall be regarded as rejected.

**XIII. ADMISSION OF NEW MEMBERS
TO THE UNITED NATIONS**

RULE 123.—*Applications*

Any State which desires to become a Member of the United Nations shall submit an application to the Secretary-General. This application shall contain a declaration, made in a formal instrument, that it accepts the obligations contained in the Charter.

plusieurs amendements à une proposition sont en présence, la commission vote d'abord sur celui qui s'éloigne le plus, quant au fond, de la proposition primitive. Elle vote ensuite sur l'amendement qui, après celui-ci, s'éloigne le plus de ladite proposition, et ainsi de suite jusqu'à ce que tous les amendements aient été mis aux voix. Si un ou plusieurs amendements sont adoptés, on vote ensuite sur la proposition modifiée. Une motion est considérée comme un amendement à une proposition si elle comporte simplement une addition, une suppression ou une modification intéressant une partie de ladite proposition.

ARTICLE 120.—*Vote sur les propositions*

Si deux ou plusieurs propositions relatives à la même question sont en présence, la commission, à moins qu'elle n'en décide autrement, vote sur ces propositions selon l'ordre dans lequel elles ont été présentées. Après chaque vote, la commission peut décider si elle votera ou non sur la proposition suivante.

ARTICLE 121.—*Elections*

Lorsqu'il s'agit d'élire une seule personne ou un seul membre, et qu'aucun candidat ne recueille au premier tour la majorité prévue, on procède à un second tour de scrutin, mais le vote ne porte plus que sur les deux candidats ayant obtenu le plus grand nombre de voix. Si les deux candidats recueillent le même nombre de voix, à ce second tour, et si la majorité est requise, le Président décide entre les candidats en tirant au sort.

ARTICLE 122.—*Partage égal des voix*

En cas de partage égal des voix lors d'un vote ne portant pas sur des élections, la proposition est considérée comme repoussée.

**XIII. ADMISSION DE NOUVEAUX MEMBRES
À L'ORGANISATION DES NATIONS UNIES**

ARTICLE 123.—*Demandes d'admission*

Tout Etat qui désire devenir Membre des Nations Unies adresse une demande au Secrétaire général. Cette demande doit contenir une déclaration, faite dans un instrument formel, par laquelle cet Etat accepte les obligations de la Charte.

RULE 124.—Notification of applications

The Secretary-General shall send for information a copy of the application to the General Assembly, or to the Members of the United Nations if the General Assembly is not in session.

RULE 125.—Consideration and decision by the General Assembly

If the Security Council recommends the applicant State for membership, the General Assembly shall consider whether the applicant is a peace-loving State and is able and willing to carry out the obligations contained in the Charter, and shall decide, by a two-thirds majority of the Members present and voting, upon its application for membership.

RULE 126

If the Security Council does not recommend the applicant State for membership or postpones the consideration of the application, the General Assembly may, after full consideration of the special report of the Security Council, send back the application to the Security Council, together with a full record of the discussion in the Assembly, for further consideration and recommendation or report.

RULE 127.—Notification of decision and effective date of membership

The Secretary-General shall inform the applicant State of the decision of the General Assembly. If the application is approved, membership will become effective on the date on which the General Assembly takes its decision on the application.

XIV. ELECTIONS TO PRINCIPAL ORGANS**GENERAL PROVISIONS****RULE 128.—Terms of office**

Except as provided in rule 136, the term of office of members of Councils shall begin on 1 January following their election by the General Assembly, and shall end on 31 December following the election of their successors.

RULE 129.—By-elections

Should a member cease to belong to a Council before his term of office expires,

ARTICLE 124.—Notification des demandes d'admission

Le Secrétaire général adresse, à titre d'information, une copie de la demande à l'Assemblée générale ou, si celle-ci n'est pas en session, aux Membres des Nations Unies.

ARTICLE 125.—Examen et décision de l'Assemblée générale

Si le Conseil de sécurité recommande l'admission de l'Etat qui fait la demande, l'Assemblée générale examine si le candidat est un Etat pacifique et s'il est capable de remplir les obligations de la Charte et disposé à le faire. Elle décide, à la majorité des deux tiers des Membres présents et votants, de la suite à donner à la demande.

ARTICLE 126

Si le Conseil de sécurité ne recommande pas l'admission de l'Etat qui fait la demande, ou remet à plus tard l'examen de la demande, l'Assemblée générale peut, après examen approfondi du rapport spécial du Conseil de sécurité, renvoyer la demande au Conseil de sécurité, accompagnée du compte rendu complet des débats de l'Assemblée, afin que le Conseil procède à un nouvel examen et formule une recommandation ou établisse un rapport.

ARTICLE 127.—Notification de la décision et date effective d'admission

Le Secrétaire général communique la décision de l'Assemblée générale à l'Etat intéressé. S'il est fait droit à la demande, l'Etat intéressé est considéré comme Membre de l'Organisation à la date à laquelle l'Assemblée générale prend sa décision sur la demande d'admission.

XIV. ELECTION AUX ORGANES PRINCIPAUX**DISPOSITIONS GÉNÉRALES****ARTICLE 128.—Mandats**

Sauf exception prévue à l'article 136, le mandat des membres des Conseils entre en vigueur le 1er janvier qui suit leur élection par l'Assemblée générale et prend fin le 31 décembre qui suit l'élection de leurs successeurs.

ARTICLE 129.—Elections partielles

Si un membre cesse d'appartenir à un Conseil avant l'expiration de son mandat,

a by-election shall be held separately at the next session of the General Assembly to elect a member for the unexpired term.

il est pourvu à son remplacement pour la durée restant à courir de son mandat au moyen d'une élection partielle qui a lieu séparément, à la session suivante de l'Assemblée générale.

ELECTION OF THE SECRETARY-GENERAL

RULE 130.—*Election of the Secretary-General*

When the Security Council has submitted its recommendation on the appointment of the Secretary-General, the General Assembly shall consider the recommendation and vote upon it by secret ballot in private meeting.

ÉLECTION DU SECRÉTAIRE GÉNÉRAL

ARTICLE 130.—*Election du Secrétaire général*

Lorsque le Conseil de sécurité a transmis sa recommandation sur la nomination du Secrétaire général, l'Assemblée générale examine cette recommandation et se prononce à son sujet au scrutin secret, en séance privée.

THE SECURITY COUNCIL

RULE 131¹.—*Annual elections*

The General Assembly shall each year, in the course of its regular session, elect three non-permanent members of the Security Council for a term of two years.

LE CONSEIL DE SÉCURITÉ

ARTICLE 131¹.—*Elections annuelles*

Chaque année, au cours de sa session ordinaire, l'Assemblée générale élit trois membres non permanents du Conseil de sécurité pour une période de deux ans.

RULE 132¹.—*Qualifications for membership*

In the election of non-permanent members of the Security Council, in accordance with Article 23, paragraph 1 of the Charter, due regard shall be specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

ARTICLE 132¹.—*Conditions requises*

En élisant les membres non permanents du Conseil de sécurité en conformité du paragraphe 1 de l'Article 23 de la Charte, les Membres de l'Assemblée générale tiennent spécialement compte, en premier lieu, de la contribution des Membres de l'Organisation des Nations Unies au maintien de la paix et de la sécurité internationales et aux autres fins de l'Organisation, et aussi d'une répartition géographique équitable.

RULE 133¹.—*Re-eligibility*

A retiring member of the Security Council shall not be eligible for immediate re-election.

ARTICLE 133².—*Rééligibilité*

Les membres sortants du Conseil de sécurité ne sont pas immédiatement ré-éligibles.

THE ECONOMIC AND SOCIAL COUNCIL

RULE 134¹.—*Annual elections*

The General Assembly shall each year, in the course of its regular session, elect six members of the Economic and Social Council for a term of three years.

LE CONSEIL ÉCONOMIQUE ET SOCIAL

ARTICLE 134¹.—*Elections annuelles*

Chaque année, au cours de sa session ordinaire, l'Assemblée générale élit six membres du Conseil économique et social pour une période de trois ans.

¹ Rule based directly on a provision of the Charter.

² Rule reproducing textually a provision of the Charter.

³ Rule based directly on a provision of the Charter.

¹ Article reposant directement sur une disposition de la Charte.

² Cet article reproduit textuellement une disposition de la Charte.

³ Article reposant directement sur une disposition de la Charte.

RULE 135.—*Re-eligibility*

A retiring member of the Economic and Social Council shall be eligible for immediate re-election.

THE TRUSTEESHIP COUNCIL**RULE 136.—*Occasions for elections***

When a Trusteeship Agreement has been approved and a Member of the United Nations has become an Administering Authority of a Trust Territory in accordance with Article 83 or 85 of the Charter, the General Assembly shall proceed to such election or elections to the Trusteeship Council as may be necessary, in accordance with Article 86. A Member or Members elected at any such election at a regular session shall take office immediately upon their election and shall complete their terms in accordance with the provisions of rule 128, as if they had begun their terms of office on 1 January following their election.

RULE 137¹.—*Term of office and re-eligibility*

A non-administering member of the Trusteeship Council shall be elected for a term of three years and shall be eligible for immediate re-election.

RULE 138.—*Vacancies*

At each session the General Assembly shall, in accordance with Article 86 of the Charter, elect members to fill any vacancies.

THE INTERNATIONAL COURT OF JUSTICE**RULE 139.—*Method of election***

The election of the members of the International Court of Justice shall take place in accordance with the Statute of the Court.

RULE 140

Any meeting of the General Assembly held in pursuance of the Statute of the International Court of Justice for the purpose of the election of members of the Court shall continue until as many candidates as are required for all the seats to be filled have obtained in one

ARTICLE 135.—*Rééligibilité*

Les membres sortants du Conseil économique et social sont immédiatement rééligibles.

LE CONSEIL DE TUTELLE**ARTICLE 136.—*Circonstances entraînant des élections***

Quand, par suite de l'approbation d'un accord de tutelle, un Membre de l'Organisation devient l'autorité chargée de l'administration d'un Territoire sous tutelle, aux termes des Articles 83 ou 85 de la Charte, l'Assemblée générale procède à l'élection ou aux élections qui peuvent être nécessaires au Conseil de tutelle, conformément à l'Article 86 de la Charte. Le mandat du ou des Membres ainsi élus au cours d'une session ordinaire entre en vigueur dès leur élection et prend fin conformément aux dispositions de l'article 128, comme s'il était entré en vigueur le 1^{er} janvier suivant l'élection du ou des Membres.

ARTICLE 137¹.—*Mandat et rééligibilité*

Les membres du Conseil de tutelle qui n'administrent pas de Territoire sous tutelle sont élus pour une période de trois ans. Ils sont immédiatement rééligibles.

ARTICLE 138.—*Vacances*

A chaque session, l'Assemblée générale, conformément à l'Article 86 de la Charte, élit des Membres pour pourvoir les sièges qui pourraient être vacants.

LA COUR INTERNATIONALE DE JUSTICE**ARTICLE 139.—*Mode d'élection***

L'élection des membres de la Cour internationale de Justice a lieu conformément au Statut de la Cour.

ARTICLE 140

Toute séance de l'Assemblée générale, tenue conformément au Statut de la Cour internationale de Justice pour procéder à l'élection de membres de la Cour, se poursuivra jusqu'à ce que la majorité absolue des voix soit allée, en un ou plusieurs tours de scrutin, à autant de

¹ Rule based directly on a provision of the Charter.

¹ Article reposant directement sur une disposition de la Charte.

or more ballots an absolute majority of votes.

**XV. ADMINISTRATIVE AND
BUDGETARY QUESTIONS**

**RULE 141.—*Regulations for financial
administration***

The General Assembly shall establish regulations for the financial administration of the United Nations.

RULE 142.—*Estimates of expenditure*

No resolution involving expenditure shall be recommended by a committee for approval by the General Assembly unless it is accompanied by an estimate of expenditures prepared by the Secretary-General. No resolution in respect of which expenditures are anticipated by the Secretary-General shall be voted by the General Assembly until the Administrative and Budgetary Committee has had an opportunity of stating the effect of the proposal upon the budget estimates of the United Nations.

**RULE 143.—*Information on the cost of
resolutions***

The Secretary-General shall keep all committees informed of the detailed estimated cost of all resolutions which have been recommended by the committees for approval by the General Assembly.

RULE 144.—*Advisory Committee on Administrative and Budgetary Questions*

The General Assembly shall appoint an Advisory Committee on Administrative and Budgetary Questions (hereinafter called the "Advisory Committee"), with a membership of nine, including at least two financial experts of recognized standing.

**RULE 145.—*Composition of the Advisory
Committee***

The members of the Advisory Committee, no two of whom shall be nationals of the same State, shall be selected on the basis of broad geographical representation, personal qualifications and experience, and shall serve for three years corresponding to three financial years, as defined in the regulations for the financial administration of the United Nations. Members shall retire by rotation and shall be eligible

candidats qu'il sera nécessaire pour que tous les sièges vacants soient pourvus.

**XV. QUESTIONS ADMINISTRATIVES ET
BUDGÉTAIRES**

ARTICLE 141.—*Règlement relatif à la gestion des finances*

L'Assemblée générale arrête le règlement relatif à la gestion des finances de l'Organisation.

ARTICLE 142.—*Prévision de dépenses*

Aucune commission ne recommandera de résolution comportant engagement de dépenses à l'approbation de l'Assemblée générale, sans que cette résolution soit accompagnée d'une prévision des dépenses préparée par le Secrétaire général. L'Assemblée générale ne tiendra compte d'aucune résolution susceptible, selon le Secrétaire général, d'entraîner des dépenses, tant que la Commission des questions administratives et budgétaires n'aura pas eu l'occasion de déterminer les incidences de cette proposition sur les prévisions budgétaires de l'Organisation des Nations Unies.

ARTICLE 143.—*Information sur les frais entraînés par les résolutions*

Le Secrétaire général tiendra toutes les commissions au courant des prévisions détaillées des frais entraînés par les résolutions dont les commissions recommandent l'approbation par l'Assemblée générale.

ARTICLE 144.—*Comité consultatif pour les questions administratives et budgétaires*

L'Assemblée générale nomme un Comité consultatif pour les questions administratives et budgétaires (désigné ci-après par l'expression "Comité consultatif") comprenant neuf membres dont deux au moins sont des experts financiers réputés.

ARTICLE 145.—*Composition du Comité consultatif*

Les membres du Comité consultatif, appartenant tous à des nationalités différentes, sont choisis de façon à assurer une large répartition géographique des sièges et en tenant compte de leurs titres et de leur expérience personnels. La durée de leurs fonctions est de trois années, correspondant à trois exercices financiers tels que les définit le règlement sur la gestion des finances de l'Organisa-

for reappointment. The two financial experts shall not retire simultaneously. The General Assembly shall appoint the members of the Advisory Committee at the regular session immediately preceding the expiration of the term of office of the members, or, in the case of vacancies, at the next session.

RULE 146.—*Functions of the Advisory Committee*

The Advisory Committee shall be responsible for expert examination of the budget of the United Nations, and shall assist the Administrative and Budgetary Committee of the General Assembly. At the commencement of each regular session it shall submit to the General Assembly a detailed report on the budget for the next financial year and on the accounts of the last financial year. It shall also examine on behalf of the General Assembly the administrative budgets of specialized agencies and proposals for financial and budgetary arrangements with such agencies. It shall perform such other duties as may be assigned to it under the regulations for the financial administration of the United Nations.

RULE 147.—*Committee on Contributions*

The General Assembly shall appoint an expert Committee on Contributions, consisting of ten members.

RULE 148.—*Composition of the Committee on Contributions*

The members of the Committee on Contributions, no two of whom shall be nationals of the same State, shall be selected on the basis of broad geographical representation, personal qualifications and experience, and shall serve for a period of three years corresponding to three financial years, as defined in the regulations for the financial administration of the United Nations. Members shall retire by rotation and shall be eligible for reappointment. The General Assembly shall appoint the members of the Committee on Contributions at the regular session immediately preceding the expiration of the term of office of the members, or, in case of vacancies, at the next session.

tion. Les membres se retirent par roulement et peuvent être nommés à nouveau. Les deux experts financiers ne doivent pas se retirer en même temps. L'Assemblée générale nomme les membres du Comité consultatif lors de la session ordinaire précédant immédiatement l'expiration du mandat des membres ou, si une vacance se produit, au cours de la session suivante.

ARTICLE 146.—*Fonctions du Comité consultatif*

Le Comité consultatif est chargé de soumettre le budget de l'Organisation à un examen technique et d'assister la Commission administrative et budgétaire de l'Assemblée générale. Au début de chaque session ordinaire, il soumet à l'Assemblée générale un rapport détaillé sur le budget de l'exercice financier suivant et sur les comptes de l'exercice financier précédent. Il examine également, au nom de l'Assemblée générale, les budgets administratifs des institutions spécialisées et les propositions relatives aux arrangements financiers et budgétaires à conclure avec ces institutions. Il remplit toutes autres fonctions qui peuvent lui être assignées aux termes du règlement sur la gestion des finances de l'Organisation.

ARTICLE 147.—*Comité des contributions*

L'Assemblée générale nomme un Comité technique des contributions composé de dix membres.

ARTICLE 148.—*Composition du Comité des contributions*

Les membres du Comité des contributions, appartenant tous à des nationalités différentes, sont choisis de façon à assurer une large répartition géographique des sièges, et en tenant compte de leurs titres et de leur expérience personnels. La durée de leur mandat est de trois années correspondant à trois exercices financiers tels que les définit le règlement financier des Nations Unies. Les membres se retirent par roulement et peuvent être nommés à nouveau. L'Assemblée générale élit les membres du Comité des contributions au cours de la session ordinaire précédant immédiatement l'expiration du mandat des membres ou, si une vacance se produit, au cours de la session suivante.

RULE 149.—*Functions of the Committee on Contributions*

The Committee on Contributions shall advise the General Assembly concerning the apportionment, under Article 17, paragraph 2, of the Charter, of the expenses of the Organization among Members, broadly according to capacity to pay. The scale of assessments when once fixed by the General Assembly shall not be subject to a general revision for at least three years, unless it is clear that there have been substantial changes in relative capacities to pay. The Committee shall also advise the General Assembly on the assessments to be fixed for new Members, on appeals by Members for a change of assessments, and on the action to be taken with regard to the application of Article 19 of the Charter.

XVI. SUBSIDIARY ORGANS OF THE GENERAL ASSEMBLY

RULE 150¹.—*Creation and rules of procedure*

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions. The rules relating to the procedure of committees of the General Assembly, as well as rules 38 and 55, shall apply to the procedure of any subsidiary organ, unless the General Assembly or the subsidiary organ decides otherwise.

XVII. INTERPRETATION AND AMENDMENTS

RULE 151.—*Notes in italics*

The description of the rules in the table of contents and the notes in italics to these rules shall be disregarded in the interpretation of the rules.

RULE 152.—*Method of amendment*

These rules of procedure may be amended by a decision of the General Assembly taken by a majority of the Members present and voting, after a committee has reported on the proposed amendment.

ARTICLE 149.—*Fonctions du Comité des contributions*

Le Comité des contributions conseille l'Assemblée générale au sujet de la répartition des dépenses visée à l'Article 17, paragraphe 2, de la Charte, entre les Membres de l'Organisation, approximativement d'après leur capacité de paiement. Le barème de répartition, une fois fixé par l'Assemblée générale, ne fera par l'objet d'une revision générale pendant trois ans au moins, à moins qu'il ne devienne évident que des changements considérables sont intervenus dans la capacité de paiement relative des Etats. Le Comité conseille également l'Assemblée au sujet de la quote-part des dépenses que doivent assumer les nouveaux Membres, sur les demandes de modification des quote-parts formulées par les Membres, ainsi que sur les mesures à prendre en exécution de l'Article 19 de la Charte.

XVI. ORGANES SUBSIDIAIRES DE L'ASSEMBLÉE GÉNÉRALE

ARTICLE 150¹.—*Création et règlement intérieur*

L'Assemblée générale peut créer les organes subsidiaires qu'elle juge nécessaires à l'exercice de ses fonctions. Les articles relatifs à la procédure des commissions de l'Assemblée générale, ainsi que les articles 38 et 55, sont applicables à la procédure de tout organe subsidiaire à moins que l'Assemblée générale ou l'organe subsidiaire n'en décide autrement.

XVII. INTERPRÉTATION ET AMENDEMENTS

ARTICLE 151.—*Annotations en italiques*

Il ne sera pas tenu compte dans l'interprétation des articles des appellations données aux articles dans la table des matières ni des annotations en italique jointes aux présents articles.

ARTICLE 152.—*Modalités d'amendement*

Le présent règlement peut être amendé par décision de l'Assemblée générale, prise à la majorité des Membres présents et votants, après rapport d'une commission sur l'amendement proposé.

¹ Rule reproducing textually a provision of the Charter.

¹ Cet article reproduit textuellement une disposition de la Charte.

**SUPPLEMENTARY RULE OF PROCEDURE ON
THE CALLING OF INTERNATIONAL CON-
FERENCES BY THE ECONOMIC AND
SOCIAL COUNCIL**

Pending the adoption under paragraph 4 of Article 62 of the Charter, of definite rules for the calling of international conferences, the Economic and Social Council may, after due consultation with Members of the United Nations, call international conferences in conformity with the spirit of Article 62 on any matter within the competence of the Council, including the following matters: international trade and employment; the equitable adjustment of prices on the international market; and health.

**ARTICLE SUPPLÉMENTAIRE RELATIF À LA
CONVOCATION DE CONFÉRENCES IN-
TERNATIONALES PAR LE CONSEIL ÉCO-
NOMIQUE ET SOCIAL**

En attendant l'adoption des règles définitives visées à l'Article 62, paragraphe 4, de la Charte, au sujet de la convocation de conférences internationales, le Conseil économique et social peut, après avoir pris l'avis des Membres de l'Organisation, convoquer des conférences internationales, conformément à l'esprit de l'Article 62, sur toute question relevant de la compétence du Conseil, et notamment sur la question du commerce et de l'emploi internationaux, la question de l'ajustement équitable des prix sur le marché international, et la question de la santé publique.

No. 653c

**Provisional Rules of Procedure of the Security Council. Adopted at
London, January 17, 1946.**

**Règlement intérieur provisoire du Conseil de Sécurité. Adopté à
Londres, 17 janvier 1946.**

EDITOR'S NOTE. Drafts of these Rules had been prepared by the Preparatory Commission of the United Nations and adopted by the Security Council on January 17, 1946. U.N. Doc. PC/20, p. 25. Redrafts of the Rules were prepared by the Committee of Experts of the Security Council and were approved by the Security Council on April 9, May 17, June 6, and June 24, 1946. U.N. Docs. S/6, S/35, S/62, S/83, and S/88. Further amendments were adopted by the Security Council on June 4 and December 9, 1947. U.N. Docs. S/368 and S/612. The text reproduced incorporates the amendments. For the rules of procedure of the Council of the League of Nations, see No. 1C, *ante*.

As in force on January 1, 1949.

Text from U.N. Doc. S/96/Rev. 3.

**CHAPTER I
MEETINGS**

Rule 1. Meetings of the Security Council shall, with the exception of the periodic meetings referred to in Rule 4, be held at the call of the President at any time he deems necessary, but the interval between meetings shall not exceed fourteen days.

Rule 2. The President shall call a meet-

**CHAPITRE I
RÉUNIONS**

Article 1. Le Conseil de sécurité, sous réserve des dispositions de l'article 4 relatif aux réunions périodiques, se réunit sur convocation du Président, toutes les fois que celui-ci le juge nécessaire et sans que l'intervalle entre les réunions puisse excéder quatorze jours.

Art. 2. Le Président réunit le Conseil

ing of the Security Council at the request of any member of the Security Council.

Rule 3. The President shall call a meeting of the Security Council if a dispute or situation is brought to the attention of the Security Council under Article 35 or under Article 11 (3) of the Charter, or if the General Assembly makes recommendations or refers any question to the Security Council under Article 11 (2), or if the Secretary-General brings to the attention of the Security Council any matter under Article 99.

Rule 4. Periodic meetings of the Security Council called for in Article 28 (2) of the Charter shall be held twice a year, at such times as the Security Council may decide.

Rule 5. Meetings of the Security Council shall normally be held at the seat of the United Nations.

Any member of the Security Council or the Secretary-General may propose that the Security Council should meet at another place. Should the Security Council accept any such proposal, it shall decide upon the place, and the period during which the Council shall meet at such place.

CHAPTER II

AGENDA

Rule 6. The Secretary-General shall immediately bring to the attention of all representatives on the Security Council all communications from States, organs of the United Nations, or the Secretary-General concerning any matter for the consideration of the Security Council in accordance with the provisions of the Charter.

Rule 7. The Provisional Agenda for each meeting of the Security Council shall be drawn up by the Secretary-General and approved by the President of the Security Council.

Only items which have been brought to the attention of the representatives on the Security Council in accordance with Rule 6, items covered by Rule 10, or matters which the Security Council has previously decided to defer, may be included in the Provisional Agenda.

Rule 8. The Provisional Agenda for a meeting shall be communicated by the

de sécurité à la demande de tout membre du Conseil de sécurité.

Art. 3. Le Président réunit le Conseil de sécurité lorsqu'un différend ou une situation est soumis à l'attention du Conseil de sécurité dans les conditions prévues à l'Article 35 ou à l'Article 11 (3) de la Charte, ou lorsque l'Assemblée générale fait des recommandations ou renvoie une question au Conseil de sécurité dans les conditions prévues à l'Article 11 (2) de la Charte, ou lorsque le Secrétaire général attire l'attention du Conseil de sécurité sur une affaire dans les conditions prévues à l'Article 99 de la Charte.

Art. 4. Les réunions périodiques du Conseil de sécurité prévues à l'Article 28 (2) de la Charte ont lieu deux fois par an, aux dates fixées par le Conseil de sécurité.

Art. 5. Les réunions du Conseil de sécurité se tiennent normalement au siège de l'Organisation.

Un membre du Conseil de sécurité ou le Secrétaire général peut proposer que le Conseil de sécurité se réunisse en un autre lieu. Si le Conseil de sécurité accepte cette proposition, il se prononce sur le choix de ce lieu et sur la période pendant laquelle le Conseil de sécurité s'y réunit.

CHAPITRE II

ORDRE DU JOUR

Art. 6. Le Secrétaire général porte immédiatement à la connaissance de tous les représentants au Conseil de sécurité toutes les communications émanant d'Etats, d'organes des Nations Unies ou du Secrétaire général concernant une question à examiner par le Conseil de sécurité conformément aux dispositions de la Charte.

Art. 7. L'ordre du jour provisoire de chaque séance du Conseil de sécurité est établi par le Secrétaire général et approuvé par le Président du Conseil de sécurité.

Il ne peut être inscrit à l'ordre du jour provisoire que les questions qui ont été portées à la connaissance des représentants au Conseil de sécurité conformément à l'article 6, les questions visées à l'article 10, ou celles que le Conseil de sécurité a précédemment décidé d'ajourner.

Art. 8. L'ordre du jour provisoire de chaque séance est communiqué par le

Secretary-General to the representatives on the Security Council at least three days before the meeting, but in urgent circumstances it may be communicated simultaneously with the notice of the meeting.

Rule 9. The first item of the Provisional Agenda for each meeting of the Security Council shall be the adoption of the Agenda.

Rule 10. Any item of the Agenda of a meeting of the Security Council, consideration of which has not been completed at that meeting, shall, unless the Security Council otherwise decides, automatically be included in the Agenda of the next meeting.

Rule 11. The Secretary-General shall communicate each week to the representatives on the Security Council a summary statement of matters of which the Security Council is seized and of the stage reached in their consideration.

Rule 12. The Provisional Agenda for each periodic meeting shall be circulated to the members of the Security Council at least twenty-one days before the opening of the meeting. Any subsequent change in or addition to the Provisional Agenda shall be brought to the notice of the members at least five days before the meeting. The Security Council may, however, in urgent circumstances, make additions to the Agenda at any time during a periodic meeting.

The provisions of Rule 7, paragraph 1, and of Rule 9, shall apply also to periodic meetings.

CHAPTER III

REPRESENTATION AND CREDENTIALS

Rule 13. Each member of the Security Council shall be represented at the meetings of the Security Council by an accredited representative. The credentials of a representative on the Security Council shall be communicated to the Secretary-General not less than twenty-four hours before he takes his seat on the Security Council. The Head of Government or Minister of Foreign Affairs of each member of the Security Council shall be entitled to sit on the Security Council without submitting credentials.

Rule 14. Any Member of the United Nations not a member of the Security

Secrétaire général aux représentants au Conseil de sécurité, trois jours au moins avant la séance mais, en cas d'urgence, il peut être communiqué en même temps que l'avis de convocation.

Art. 9. Le premier point de l'ordre du jour provisoire de chaque séance du Conseil de sécurité est l'adoption de l'ordre du jour.

Art. 10. Toute question figurant à l'ordre du jour d'une séance du Conseil de sécurité et dont l'examen n'est pas achevé au cours de ladite séance est portée automatiquement à l'ordre du jour de la séance suivante à moins que le Conseil de sécurité n'en décide autrement.

Art. 11. Le Secrétaire général communique chaque semaine aux représentants au Conseil de sécurité un sommaire indiquant les questions dont le Conseil de sécurité est saisi ainsi que le point où l'examen de ces questions en est arrivé.

Art. 12. L'ordre du jour provisoire de chaque réunion périodique est communiqué aux membres du Conseil de sécurité vingt et un jours au moins avant l'ouverture de la réunion. Toute modification ou addition ultérieure à l'ordre du jour provisoire est portée à la connaissance des membres cinq jours au moins avant la réunion. Le Conseil de sécurité peut néanmoins, en cas d'urgence, apporter, à tout moment d'une réunion périodique, des additions à l'ordre du jour.

Les dispositions de l'article 7, paragraphe 1, et de l'article 9, s'appliquent également aux réunions périodiques.

CHAPITRE III

REPRÉSENTATION ET VÉRIFICATION DES POUVOIRS

Art. 13. Chaque membre du Conseil de sécurité est représenté aux réunions du Conseil de sécurité par un représentant accrédité; les pouvoirs des représentants au Conseil de sécurité sont communiqués au Secrétaire général vingt-quatre heures au moins avant que ces représentants occupent leur siège au Conseil de sécurité. Le Chef du Gouvernement ou le Ministre des Affaires étrangères de chaque membre du Conseil de sécurité est autorisé à siéger au Conseil de sécurité sans présenter de pouvoirs.

Art. 14. Tout Membre des Nations Unies qui n'est pas membre du Conseil

Council and any State not a Member of the United Nations, if invited to participate in a meeting or meetings of the Security Council, shall submit credentials for the representative appointed by it for this purpose. The credentials of such a representative shall be communicated to the Secretary-General not less than twenty-four hours before the first meeting which he is invited to attend.

Rule 15. The credentials of representatives on the Security Council and of any representative appointed in accordance with Rule 14 shall be examined by the Secretary-General who shall submit a report to the Security Council for approval.

Rule 16. Pending the approval of the credentials of a representative on the Security Council in accordance with Rule 15, such representative shall be seated provisionally with the same rights as other representatives.

Rule 17. Any representative on the Security Council, to whose credentials objection has been made within the Security Council, shall continue to sit with the same rights as other representatives until the Security Council has decided the matter.

CHAPTER IV

PRESIDENCY

Rule 18. The Presidency of the Security Council shall be held in turn by the members of the Security Council in the English alphabetical order of their names. Each President shall hold office for one calendar month.

Rule 19. The President shall preside over the meetings of the Security Council and, under the authority of the Security Council, shall represent it in its capacity as an organ of the United Nations.

Rule 20. Whenever the President of the Security Council deems that, for the proper fulfilment of the responsibilities of the Presidency, he should not preside over the Council during the consideration of a particular question with which the member he represents is directly connected, he shall indicate his decision to the Council. The Presidential chair shall then devolve, for the purpose of the consideration of that question, on the representative of the member next in English alphabetical order, it being understood

de sécurité et tout Etat qui n'est pas Membre des Nations Unies, s'il est invité à prendre part à une ou plusieurs séances du Conseil de sécurité, doit présenter des pouvoirs accréditant le représentant désigné par lui à cet effet. Les pouvoirs de ce représentant sont communiqués au Secrétaire général vingt-quatre heures au moins avant la première séance à laquelle celui-ci doit assister.

Art. 15. Les pouvoirs des représentants au Conseil de sécurité et ceux de tout représentant désigné conformément à l'article 14 sont examinés par le Secrétaire général qui soumet un rapport à l'approbation du Conseil de sécurité.

Art. 16. En attendant que soient reconnus les pouvoirs d'un représentant au Conseil de sécurité conformément à l'article 15, ce représentant siège à titre provisoire, avec les mêmes droits que les autres représentants.

Art. 17. Tout représentant au Conseil de sécurité dont les pouvoirs soulèvent des objections au sein du Conseil de sécurité continue à siéger avec les mêmes droits que les autres représentants, jusqu'à ce que le Conseil de sécurité ait pris une décision à ce sujet.

CHAPITRE IV

PRÉSIDENCE

Art. 18. La présidence du Conseil de sécurité échoit, à tour de rôle, aux membres du Conseil de sécurité dans l'ordre alphabétique anglais de leurs noms. Chaque président demeure en fonctions pendant un mois.

Art. 19. Le Président dirige les séances du Conseil de sécurité et, sous l'autorité du Conseil de sécurité, représente celui-ci en tant qu'organe des Nations Unies.

Art. 20. Si le Président du Conseil de sécurité estime que, pour s'acquitter comme il convient des devoirs de sa charge, il doit s'abstenir de diriger les débats lors de l'examen d'une question déterminée au regard de laquelle le membre qu'il représente se trouve dans une position particulière, il fait part de sa décision au Conseil. La présidence échoit alors, en ce qui concerne ledit examen, au représentant du membre suivant du Conseil de sécurité dans l'ordre alphabétique anglais, étant entendu que les

that the provisions of this Rule shall apply to the representatives on the Security Council called upon successively to preside. This Rule shall not affect the representative capacity of the President as stated in Rule 19 or his duties under Rule 7.

CHAPTER V SECRETARIAT

Rule 21. The Secretary-General shall act in that capacity in all meetings of the Security Council. The Secretary-General may authorize a deputy to act in his place at meetings of the Security Council.

Rule 22. The Secretary-General, or his deputy acting on his behalf, may make either oral or written statements to the Security Council concerning any question under consideration by it.

Rule 23. The Secretary-General may be appointed by the Security Council, in accordance with Rule 28, as rapporteur for a specified question.

Rule 24. The Secretary-General shall provide the staff required by the Security Council. This staff shall form a part of the Secretariat.

Rule 25. The Secretary-General shall give to representatives on the Security Council notice of meetings of the Security Council and of its commissions and committees.

Rule 26. The Secretary-General shall be responsible for the preparation of documents required by the Security Council and shall, except in urgent circumstances, distribute them at least forty-eight hours in advance of the meeting at which they are to be considered.

CHAPTER VI CONDUCT OF BUSINESS

Rule 27. The President shall call upon representatives in the order in which they signify their desire to speak.

Rule 28. The Security Council may appoint a commission or committee or a rapporteur for a specified question.

Rule 29. The President may accord precedence to any rapporteur appointed by the Security Council.

The Chairman of a commission or committee, or the rapporteur appointed by

dispositions du présent article seront applicables aux représentants au Conseil de sécurité successivement appelés à la présidence. Cet article n'affecte pas les fonctions de représentation qui incombent au Président conformément à l'article 19, ni les devoirs que lui prescrit l'article 7 du présent règlement.

CHAPITRE V SECRÉTARIAT

Art. 21. Le Secrétaire général agit en cette qualité à toutes les réunions du Conseil de sécurité. Le Secrétaire général peut autoriser un adjoint à le suppléer aux réunions du Conseil de sécurité.

Art. 22. Le Secrétaire général ou son adjoint agissant en son nom peut présenter des exposés oraux ou écrits au Conseil de sécurité sur toute question faisant l'objet de l'examen du Conseil.

Art. 23. Le Secrétaire général peut être désigné par le Conseil de sécurité, conformément à l'article 28, comme rapporteur pour une question déterminée.

Art. 24. Le Secrétaire général fournit le personnel nécessaire au Conseil de sécurité. Ce personnel fait partie du Secrétariat.

Art. 25. Le Secrétaire général avise les représentants au Conseil de sécurité des séances que doivent tenir le Conseil de sécurité et ses commissions et comités.

Art. 26. Le Secrétaire général assure la préparation des documents nécessaires au Conseil de sécurité et les fait distribuer aux représentants quarante-huit heures au moins avant la séance dans laquelle ils sont examinés, sauf en cas d'urgence.

CHAPITRE VI CONDUITE DES DÉBATS

Art. 27. Le Président donne la parole aux représentants dans l'ordre ou ils l'ont demandée.

Art. 28. Le Conseil de sécurité peut désigner une commission, un comité ou un rapporteur pour une question déterminée.

Art. 29. Le Président peut accorder un tour de priorité à tout rapporteur désigné par le Conseil de sécurité.

Le Président d'une commission ou d'un comité, ou le rapporteur chargé par

the commission or committee to present its report, may be accorded precedence for the purpose of explaining the report.

Rule 30. If a representative raises a point of order, the President shall immediately state his ruling. If it is challenged, the President shall submit his ruling to the Security Council for immediate decision and it shall stand unless overruled.

Rule 31. Proposed resolutions, amendments and substantive motions shall normally be placed before the representatives in writing.

Rule 32. Principal motions and draft resolutions shall have precedence in the order of their submission.

Parts of a motion or of a draft resolution shall be voted on separately at the request of any representative, unless the original mover objects.

Rule 33. The following motions shall have precedence in the order named over all principal motions and draft resolutions relative to the subject before the meeting:

1. to suspend the meeting;
2. to adjourn the meeting;
3. to adjourn the meeting to a certain day or hour;
4. to refer any matter to a committee, to the Secretary-General or to a rapporteur;
5. to postpone discussion of the question to a certain day or indefinitely; or
6. to introduce an amendment.

Any motion for the suspension or for the simple adjournment of the meeting shall be decided without debate.

Rule 34. It shall not be necessary for any motion or draft resolution proposed by a representative on the Security Council to be seconded before being put to a vote.

Rule 35. A motion or draft resolution can at any time be withdrawn, so long as no vote has been taken with respect to it.

If the motion or draft resolution has been seconded, the representative on the Security Council who has seconded it may require that it be put to the vote as his motion or draft resolution with the same right of precedence as if the original mover had not withdrawn it.

Rule 36. If two or more amendments to a motion or draft resolution are proposed, the President shall rule on the

la commission ou le comité de présenter son rapport, peuvent bénéficier d'un tour de priorité pour commenter le rapport.

Art. 30. Si un représentant soulève une question d'ordre, le Président se prononce immédiatement sur ce point. S'il y a contestation, le Président en réfère au Conseil de sécurité pour décision immédiate et la règle qu'il a proposée est maintenue, à moins qu'elle ne soit annulée.

Art. 31. Les projets de résolution, les amendements et les propositions de fond sont en principe soumis aux représentants par écrit.

Art. 32. Les propositions principales et les projets de résolution ont priorité dans l'ordre où ils sont présentés.

La division est de droit si elle est demandée, à moins que l'auteur de la proposition ou du projet de résolution ne s'y oppose.

Art. 33. Ont priorité, dans l'ordre où elles figurent ci-dessous, sur toutes les propositions principales et projets de résolution visant la question en discussion, les propositions tendant:

- a) à suspendre la séance;
- b) à ajourner la séance;
- c) à ajourner la séance à un jour ou à une heure déterminés;
- d) à renvoyer une question à une commission, au Secrétaire général ou à un rapporteur;
- e) à remettre la discussion d'une question à un jour déterminé ou sine die; ou
- f) à introduire un amendement.

Il est statué sans débat sur toute proposition touchant la suspension ou le simple ajournement de la séance.

Art. 34. Il n'est pas nécessaire qu'une proposition ou un projet de résolution présentés par un représentant au Conseil de sécurité soient appuyés pour être mis aux voix.

Art. 35. Une proposition ou un projet de résolution peuvent être retirés à tout moment tant qu'ils n'ont pas fait l'objet d'un vote. Si la proposition ou le projet de résolution ont été appuyés, le représentant au Conseil de sécurité qui les a appuyés pourra toutefois demander qu'ils soient mis aux voix en faisant siens la proposition ou le projet de résolution initiaux qui bénéficieront du même tour de priorité que si leur auteur ne les avait pas retirés.

Art. 36. Si une proposition ou un projet de résolution font l'objet de deux ou plusieurs amendements, le Président

order in which they are to be voted upon. Ordinarily, the Security Council shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed until all amendments have been put to the vote, but when an amendment adds to or deletes from the text of a motion or draft resolution, that amendment shall be voted on first.

Rule 37. Any Member of the United Nations which is not a member of the Security Council may be invited, as the result of a decision of the Security Council, to participate, without vote, in the discussion of any question brought before the Security Council when the Security Council considers that the interests of that Member are specially affected, or when a Member brings a matter to the attention of the Security Council in accordance with Article 35 (1) of the Charter.

Rule 38. Any Member of the United Nations invited in accordance with the preceding Rule or in application of Article 32 of the Charter to participate in the discussions of the Security Council may submit proposals and draft resolutions. These proposals and draft resolutions may be put to a vote only at the request of a representative on the Security Council.

Rule 39. The Security Council may invite members of the Secretariat or other persons, whom it considers competent for the purpose, to supply it with information or to give other assistance in examining matters within its competence.

CHAPTER VII

VOTING

Rule 40. Voting in the Security Council shall be in accordance with the relevant Articles of the Charter and of the Statute of the International Court of Justice.

CHAPTER VIII

LANGUAGES

Rule 41. Chinese, English, French, Russian and Spanish shall be the official languages of the Security Council, and

déterminera dans quel ordre ils seront mis aux voix. En général, le Conseil de sécurité vote d'abord sur l'amendement qui s'éloigne le plus, quant au fond, de la proposition originale, et ensuite sur l'amendement suivant qui s'en éloigne le plus, et ainsi de suite, jusqu'à ce que tous les amendements aient été mis aux voix, mais lorsqu'un amendement à une proposition ou à un projet de résolution comporte une addition ou une suppression, il est mis aux voix en premier lieu.

Art. 37. Tout Membre des Nations Unies qui n'est pas membre du Conseil de sécurité peut être convié, à la suite d'une décision du Conseil de sécurité, à participer, sans droit de vote, à la discussion de toute question soumise au Conseil de sécurité lorsque le Conseil de sécurité estime que les intérêts de ce Membre sont particulièrement affectés, ou lorsqu'un Membre attire l'attention du Conseil de sécurité sur une affaire en vertu de l'article 35 (1) de la Charte.

Art. 38. Tout Membre des Nations Unies convié, conformément aux dispositions de l'article précédent ou en vertu de l'Article 32 de la Charte, à participer aux discussions du Conseil de sécurité, peut présenter des propositions et des projets de résolution. Ces propositions et ces projets de résolution ne peuvent être mis aux voix que si un représentant au Conseil de sécurité en fait la demande.

Art. 39. Le Conseil de sécurité peut inviter des membres du Secrétariat ou toute personne qu'il considère qualifiée à cet égard, à lui fournir des informations ou à lui donner leur assistance dans l'examen des questions relevant de sa compétence.

CHAPITRE VII

VOTE

Art. 40. La procédure de vote du Conseil de sécurité est conforme aux articles pertinents de la Charte et du Statut de la Cour internationale de Justice.

CHAPITRE VIII

LANGUES

Art. 41. L'anglais, le chinois, l'espagnol, le français et le russe sont les langues officielles du Conseil de sécurité.

English and French the working languages.

Rule 42. Speeches made in either of the working languages shall be interpreted into the other working language.

Rule 43. Speeches made in any of the three other official languages shall be interpreted into both working languages.

Rule 44. Any representative may make a speech in a language other than the official languages. In this case he shall himself provide for interpretation into one of the working languages. Interpretation into the other working language by an interpreter of the Secretariat may be based on the interpretation given in the first working language.

Rule 45. Verbatim records of meetings of the Security Council shall be drawn up in the working languages. At the request of any representative a verbatim record of any speech made in an official language other than the working languages shall be drawn up in the original language.

Rule 46. All resolutions and other important documents shall forthwith be made available in the official languages. Upon the request of any representative any other document shall be made available in any or all of the official languages.

Rule 47. Documents of the Security Council shall, if the Security Council so decides, be published in any language other than the official languages.

CHAPTER IX

PUBLICITY OF MEETINGS—RECORDS

Rule 48. Unless it decides otherwise, the Security Council shall meet in public. Any recommendation to the General Assembly regarding the appointment of the Secretary-General shall be discussed and decided at a private meeting.

Rule 49. Subject to the provisions of Rule 51, the verbatim record of each meeting of the Security Council shall be made available in the working languages to the representatives on the Security Council and to the representatives of any other States which have participated in the meeting not later than 10 A.M. of the first working day following the meeting. The verbatim record of any speech made

L'anglais et le français en sont les langues de travail.

Art. 42. Les discours prononcés dans l'une des langues de travail sont interprétés dans l'autre.

Art. 43. Les discours prononcés dans l'une des trois autres langues officielles sont interprétés dans les deux langues de travail.

Art. 44. Tout représentant peut prendre la parole dans une langue autre que les langues officielles. Dans ce cas, il assure lui-même l'interprétation dans l'une des langues de travail. L'interprète du Secrétariat peut prendre pour base de son interprétation dans l'autre langue de travail celle qui aura été faite dans la première langue de travail utilisée.

Art. 45. Les comptes rendus sténographiques des séances du Conseil de sécurité sont rédigés dans les langues de travail. Un compte rendu sténographique de tout discours prononcé dans une langue officielle autre que les langues de travail est rédigé dans la langue originale si un représentant en fait la demande.

Art. 46. Toutes les résolutions et les autres documents importants sont fournis immédiatement dans les langues officielles. Si un représentant en fait la demande, tout autre document est fourni dans l'une quelconque des langues officielles ou dans toutes ces langues.

Art. 47. Les documents du Conseil de sécurité sont publiés dans toute langue non officielle, si le Conseil de sécurité en décide ainsi.

CHAPITRE IX

PUBLICITÉ DES SÉANCES—PROCÈS-VERBAUX

Art. 48. A moins qu'il n'en décide autrement, le Conseil de sécurité siège en public. Toute recommandation à l'Assemblée générale au sujet de la nomination du Secrétaire général est discutée et décidée en séance privée.

Art. 49. Sous réserve des dispositions de l'article 51, le compte rendu sténographique de chaque séance du Conseil de sécurité, rédigé dans les langues de travail, est mis à la disposition des représentants au Conseil de sécurité et des représentants de tous autres Etats qui ont participé à la séance, au plus tard à dix heures du matin le premier jour ouvrable qui suit la séance. Le compte rendu sténo-

in any other of the official languages, which is drawn up in accordance with the provisions of Rule 45, shall be made available in the same manner to any of the above mentioned representatives at his request.

Rule 50. The representatives of the States which have participated in the meeting shall, within two working days after the time indicated in Rule 49, inform the Secretary-General of any corrections they wish to have made in the verbatim record.

Rule 51. The Security Council may decide that for a private meeting the record shall be made in a single copy alone. This record shall be kept by the Secretary-General. The representatives of the States which have participated in the meeting shall, within a period of ten days, inform the Secretary-General of any corrections they wish to have made in this record.

Rule 52. Corrections that have been requested shall be considered approved unless the President is of the opinion that they are sufficiently important to be submitted to the representatives on the Security Council. In the latter case, the representatives on the Security Council shall submit within two working days any comments they may wish to make. In the absence of objections in this period of time, the record shall be corrected as requested.

Rule 53. The verbatim record referred to in Rule 49 or the record referred to in Rule 51, in which no corrections have been requested in the period of time required by Rules 50 and 51 respectively or which has been corrected in accordance with the provisions of Rule 52, shall be considered as approved. It shall be signed by the President and shall become the official record of the Security Council.

Rule 54. The official record of public meetings of the Security Council, as well as the documents annexed thereto, shall be published in the official languages as soon as possible.

Rule 55. At the close of each private meeting the Security Council shall issue a communiqué through the Secretary-General.

Rule 56. The representatives of the Members of the United Nations which have taken part in a private meeting shall at all times have the right to consult the

graphique de tout discours prononcé dans une autre langue officielle, rédigé conformément aux dispositions de l'article 45, est mis de la même manière à la disposition des représentants précités qui en font la demande.

Art. 50. Dans les deux jours ouvrables qui suivent l'heure indiquée à l'article 49, les représentants des Etats qui ont participé à la séance font part au Secrétaire général des rectifications qu'ils désirent voir apporter au compte rendu sténographique.

Art. 51. Le Conseil de sécurité peut décider que, pour une séance privée, le procès-verbal ne sera établi qu'en un seul exemplaire. Ce procès-verbal est conservé par le Secrétaire général. Les représentants des Etats qui ont participé à la séance font part au Secrétaire général, dans un délai de dix jours, des rectifications qu'ils désirent y voir apporter.

Art. 52. Les rectifications demandées sont considérées comme approuvées à moins que le Président n'estime qu'elles sont d'une importance telle qu'il doive les soumettre aux représentants au Conseil de sécurité. Dans ce cas, ces derniers présentent, dans les deux jours ouvrables, les observations qu'ils désirent faire. Si aucune objection n'est formulée dans ce délai, les rectifications demandées sont effectuées.

Art. 53. Le compte rendu sténographique visé à l'article 49 ou le procès-verbal visé à l'article 51 qui n'a pas fait l'objet d'une demande de rectification dans les délais prévus respectivement par les articles 50 et 51 ou qui a été rectifié conformément aux dispositions de l'article 52 est considéré comme approuvé. Il est signé par le Président et devient le procès-verbal officiel du Conseil de sécurité.

Art. 54. Le procès-verbal officiel des séances publiques du Conseil de sécurité, ainsi que les documents annexes, sont publiés aussitôt que possible dans les langues officielles.

Art. 55. A l'issue de chaque séance privée, le Conseil de sécurité fait publier un communiqué par les soins du Secrétaire général.

Art. 56. Les représentants des Membres des Nations Unies qui ont participé à une séance privée ont, à tout moment, le droit de consulter le procès-verbal de

record of that meeting in the office of the Secretary-General. The Security Council may at any time grant access to this record to authorized representatives of other Members of the United Nations.

Rule 57. The Secretary-General shall, once each year, submit to the Security Council a list of the records and documents which up to that time have been considered confidential. The Security Council shall decide which of these shall be made available to other Members of the United Nations, which shall be made public, and which shall continue to remain confidential.

CHAPTER X

ADMISSION OF NEW MEMBERS

Rule 58. Any State which desires to become a Member of the United Nations shall submit an application to the Secretary-General. This application shall contain a declaration made in a formal instrument that it accepts the obligations contained in the Charter.

Rule 59. The Secretary-General shall immediately place the application for membership before the representatives on the Security Council. Unless the Security Council decides otherwise, the application shall be referred by the President to a committee of the Security Council upon which each member of the Security Council shall be represented. The committee shall examine any application referred to it and report its conclusions thereon to the Council not less than thirty-five days in advance of a regular session of the General Assembly or if a special session of the General Assembly is called, not less than fourteen days in advance of such session.

Rule 60. The Security Council shall decide whether in its judgement the applicant is a peace-loving State and is able and willing to carry out the obligations contained in the Charter, and accordingly whether to recommend the applicant State for membership.

If the Security Council recommends the applicant State for membership, it shall forward to the General Assembly the recommendation with a complete record of the discussion.

If the Security Council does not recommend the applicant State for membership

cette séance au cabinet du Secrétaire général. Le Conseil de sécurité peut, à tout moment, y donner accès aux représentants autorisés d'autres Membres des Nations Unies.

Art. 57. Le Secrétaire général présente, une fois par an, au Conseil de sécurité la liste des procès-verbaux et documents qui, jusqu'à ce moment, ont été considérés comme confidentiels. Le Conseil de sécurité fait le départ entre ceux qui doivent être mis à la disposition des autres Membres des Nations Unies, ceux qui doivent être publiés et ceux qui doivent conserver un caractère confidentiel.

CHAPITRE X

ADMISSION DE NOUVEAUX MEMBRES

Art. 58. Tout Etat qui désire devenir Membre de l'Organisation présente une demande au Secrétaire général. Cette demande doit contenir une déclaration, faite dans un instrument formel, par laquelle cet Etat accepte les obligations de la Charte.

Art. 59. Le Secrétaire général porte immédiatement à la connaissance des représentants au Conseil de sécurité la demande d'admission. A moins que le Conseil de sécurité n'en décide autrement, le Président renvoie la demande d'admission à l'examen d'un comité du Conseil de sécurité dans lequel sont représentés tous les membres du Conseil de sécurité. Ce comité examine les demandes d'admission qui lui sont renvoyées et présente ses conclusions au Conseil 35 jours au moins avant le début de la session régulière de l'Assemblée générale ou, dans le cas de convocation d'une session extraordinaire de l'Assemblée générale, quatorze jours au moins avant le début de cette session.

Art. 60. Le Conseil de sécurité décide si, à son jugement, l'Etat qui sollicite son admission est un Etat pacifique, capable de remplir les obligations de la Charte et disposé à le faire et s'il convient, en conséquence, de recommander l'admission de cet Etat à l'Assemblée générale.

Si le Conseil de sécurité recommande l'admission de l'Etat qui a présenté la demande, il transmet à l'Assemblée générale sa recommandation accompagnée d'un compte rendu complet des débats.

Si le Conseil de sécurité ne recommande pas l'admission de l'Etat qui a présenté

or postpones the consideration of the application, it shall submit a special report to the General Assembly with a complete record of the discussion.

In order to ensure the consideration of its recommendation at the next session of the General Assembly following the receipt of the application, the Security Council shall make its recommendation not less than twenty-five days in advance of a regular session of the General Assembly, nor less than four days in advance of a special session.

In special circumstances, the Security Council may decide to make a recommendation to the General Assembly concerning an application for membership subsequent to the expiration of the time limits set forth in the preceding paragraph.

CHAPTER XI

RELATIONS WITH OTHER UNITED NATIONS ORGANS

Rule 61. Any meeting of the Security Council held in pursuance of the Statute of the International Court of Justice for the purpose of the election of members of the Court shall continue until as many candidates as are required for all the seats to be filled have obtained in one or more ballots an absolute majority of votes.

ANNEX

PROVISIONAL PROCEDURE FOR DEALING WITH COMMUNICATIONS FROM PRIVATE INDIVIDUALS AND NON-GOVERNMENTAL BODIES

A. A list of all communications from private individuals and non-governmental bodies relating to matters of which the Security Council is seized shall be circulated to all representatives on the Security Council.

B. A copy of any communication on the list shall be given by the Secretariat to any representative on the Security Council at his request.

la demande ou remet à plus tard l'examen de cette demande, il présente à l'Assemblée générale un rapport spécial accompagné d'un compte rendu complet des débats.

Le Conseil de sécurité présente sa recommandation vingt-cinq jours au moins avant le début de la session régulière de l'Assemblée générale et quatre jours au moins avant le début d'une session extraordinaire, pour mettre l'Assemblée générale en mesure de l'examiner lors de la plus proche session qu'elle tient après la réception de la demande d'admission.

Dans des circonstances spéciales, le Conseil de sécurité peut décider de faire une recommandation à l'Assemblée générale concernant une demande d'admission après l'expiration des délais prescrits à l'alinéa précédent.

CHAPITRE XI

RELATIONS AVEC LES AUTRES ORGANES DE L'ORGANISATION DES NATIONS UNIES

Art. 61. Toute séance du Conseil de sécurité tenue conformément au statut de la Cour internationale de justice pour procéder à l'élection de membres de la Cour se poursuivra jusqu'à ce que la majorité absolue des voix soit allée, en un ou plusieurs tours de scrutin, à autant de candidats qu'il sera nécessaire pour que tous les sièges vacants soient pourvus.

ANNEXE

PROCÉDURE PROVISOIRE CONCERNANT LES COMMUNICATIONS ÉMANANT DE PARTICULIERS ET D'ORGANISMES NON GOUVERNEMENTAUX

A. Une liste de toutes les communications émanant de particuliers ou d'organismes non gouvernementaux et relatives aux questions dont le Conseil de sécurité est saisi est distribuée à tous les représentants au Conseil de sécurité.

B. Une copie de toute communication mentionnée dans la liste est remise par le Secrétariat aux représentants au Conseil de sécurité qui en font la demande.

No. 653d

Rules of Procedure of the Economic and Social Council. Adopted at Lake Success, March 18, 1949.**Règlement intérieur du Conseil économique et sociale. Adopté à Lake Success, 18 mars 1949.**

EDITOR'S NOTE. These Rules effect a revision of previous rules of the Economic and Social Council, which had frequently been amended and revised. U.N. Docs. E/1304 and E/1293/Add.1. Provisional rules of procedure were adopted by the Council on January 23, 1946. U.N. Doc. PC/20, p. 29. These Rules as redrafted by a Committee on Rules of Procedure were approved by the Council on February 16, 1946. U.N. Docs. E/12 and E/33. Further revisions were made on June 4, 1946, February 28, March 11, and August 12, 1947, and August 28, 1948. U.N. Docs. E/33/Rev. 1-Rev. 4 and E/1068.

Entered into force March 19, 1949.

Text from U.N. Doc. E/33/Rev. 5.

I. SESSIONS

Rule 1. The Economic and Social Council shall hold at least two regular sessions a year. One of these sessions shall be held shortly before the opening of the regular session of the General Assembly.

Rule 2. Each regular session shall be held at a date fixed by the Council at a previous session.

Rule 3. Any member of the Council or the Secretary-General may request an alteration of the date of a regular session. The President shall forthwith communicate, through the Secretary-General, the request to the other members of the Council, together with such observations as the Secretary-General may present. If within eight days of the enquiry a majority of the members of the Council explicitly concurs in the request, the President will convene the Council accordingly.

Rule 4. Special sessions shall be held by decision of the Council, or at the request of:

- (1) A majority of the members of the Council,
- (2) The General Assembly,
- (3) The Security Council.

The Council shall also hold a special session at the request of the Trusteeship Council, any Member of the United Na-

I. SESSIONS

Article 1. Le Conseil économique et social se réunit au moins deux fois par an en session ordinaire. L'une de ces sessions est convoquée peu de temps avant l'ouverture de la session ordinaire de l'Assemblée générale.

Art. 2. Chaque session ordinaire se tient à la date fixée par le Conseil lors d'une session précédente.

Art. 3. Tout membre du Conseil ou le Secrétaire général peut demander le changement de la date d'une session ordinaire. Le Président, par l'intermédiaire du Secrétaire général, communique immédiatement la demande aux autres membres du Conseil, en y joignant telles observations que le Secrétaire général peut présenter. Si, dans les huit jours qui suivent la date de cette communication la majorité des membres du Conseil a déclaré explicitement qu'elle approuve la demande, le Président convoque le Conseil en conséquence.

Art. 4. Des sessions extraordinaires se tiennent par décision du Conseil ou sur la demande:

- 1) De la majorité des membres du Conseil,
- 2) De l'Assemblée générale,
- 3) Du Conseil de sécurité.

Le Conseil se réunit également en session extraordinaire sur la demande du Conseil de tutelle, d'un Membre des Na-

tions, or a specialized agency,¹ if the President of the Council and the two Vice-Presidents agree to the request. If the officers have not notified their agreement to the Secretary-General within four days of the receipt of the request, the President shall forthwith inform the other members of the Council, through the Secretary-General, of the request and shall enquire whether or not they support the request for a session. If within eight days of the enquiry, a majority of the members of the Council explicitly concurs in the request, the President will convene the Council accordingly.

Special sessions will be convened within thirty days of receipt by the President of a request for such a session at a date fixed by the President.

Rule 5. The President of the Council, with the concurrence of the Vice-Presidents, may also call a special session of the Council and fix the date thereof.

Rule 6. Each session shall be held at the seat of the United Nations unless, in pursuance of a previous decision of the Council, or at the request of a majority of its members, another place is designated.

Rule 7. The President of the Council shall notify the Members of the United Nations, the President of the Security Council, the President of the Trusteeship Council, the specialized agencies and the non-governmental organizations in category (a),² through the Secretary-General, of the date of the first meeting of each session. Such notification shall be sent (1) in the case of a regular session at least six weeks in advance, (2) in the case of a special session at least twelve days in advance. If a special session is called at the request of the Security Council, the period of notice may be reduced by the President to not less than eight days.

tions Unies ou d'une institution spécialisée¹ lorsque le Président du Conseil et les deux Vice-Présidents sont d'accord à ce sujet. Si, dans les quatre jours qui suivent la réception de la demande, le Bureau n'a pas fait connaître son accord au Secrétaire général, le Président avise immédiatement les autres membres du Conseil, par l'intermédiaire du Secrétaire général, de la demande qu'il a reçue; il les invite à faire connaître s'ils appuient ou non cette demande. Si, dans les huit jours qui suivent cette communication, la majorité des membres indique explicitement qu'elle approuve la demande, le Président convoque le Conseil en conséquence.

Les sessions extraordinaires sont convoquées pour une date fixée par le Président, dans les trente jours qui suivent la date à laquelle le Président a reçu une demande de session extraordinaire.

Art. 5. Le Président du Conseil peut aussi, avec l'assentiment des Vice-Présidents, convoquer le Conseil en session extraordinaire, à une date qu'il fixe lui-même.

Art. 6. Les sessions se tiennent au siège de l'Organisation, à moins qu'un autre lieu ne soit désigné en vertu d'une décision précédente du Conseil ou sur la demande de la majorité de ses membres.

Art. 7. Le Président du Conseil, par l'intermédiaire du Secrétaire général, fait connaître aux Membres des Nations Unies, au Président du Conseil de sécurité, au Président du Conseil de tutelle, aux institutions spécialisées et aux organisations non gouvernementales de la catégorie a)² la date de la première séance de chaque session. Cette notification est envoyée 1) dans le cas d'une session ordinaire, six semaines au moins à l'avance, 2) dans le cas d'une session extraordinaire, douze jours au moins à l'avance. Si c'est à la demande du Conseil de sécurité qu'une session extraordinaire est convoquée, ce délai peut être ramené par le Président à une période qui ne sera pas inférieure à huit jours.

¹ When the term "specialized agency" is used in these rules, it refers to specialized agencies brought into relationship with the United Nations.

² That is, a non-governmental organization recognized in accordance with paragraph 1 (a) of part IV of the report of the Committee on Arrangements for Consultation with Non-Governmental Organizations adopted by the Council on 21 June 1946.

¹ Aux fins du présent règlement, le terme "institutions spécialisées" s'entend des institutions spécialisées rattachées à l'Organisation.

² C'est-à-dire les organisations non gouvernementales reconnues aux termes du paragraphe 1 a) de la partie IV du rapport du Comité chargé d'examiner les dispositions à prendre en vue des consultations avec les organisations non gouvernementales, adopté par le Conseil le 21 juin 1946.

Rule 8. The Council may decide at any session to adjourn temporarily and resume its meetings at a later date.

Art. 8. Le Conseil peut, au cours de n'importe quelle session, s'ajourner temporairement et reprendre ses séances à une date ultérieure.

II. AGENDA

Rule 9. The provisional agenda for each session shall be drawn up by the Secretary-General in consultation with the President and shall be communicated by the Secretary-General to the Members of the United Nations, to the President of the Security Council, to the President of the Trusteeship Council, to the specialized agencies and to the non-governmental organizations in category (a), (1) in the case of regular sessions six weeks before the opening of the session, and (2) in the case of special sessions, at the same time as the notice convening the Council.

The basic documents relating to each item appearing on the provisional agenda of regular and special sessions shall, subject to rule 10, be transmitted not later than the date on which the provisional agenda is communicated.

Rule 10. The provisional agenda of each regular session of the Council shall include all items proposed by:

- (1) The Council at a previous session;
- (2) The General Assembly, the Security Council or the Trusteeship Council;
- (3) Members of the United Nations, specialized agencies and non-governmental organizations in category (a), if submitted with basic documents in sufficient time to reach the Secretary-General not less than seven weeks before the first meeting of each session. Any item submitted to the Secretary-General for inclusion upon the provisional agenda less than seven weeks before the date of the first meeting of the session shall be accompanied by a statement of the urgency of the item and of the reasons which precluded its submission within the period of time specified, as well as by the basic documents. Such items shall, together with the above-mentioned statement and any comments the Secretary-General sees fit to offer, be placed before the Agenda Committee;

- (4) The Secretary-General, subject to the pertinent provisions of paragraph (3) above.

II. ORDRE DU JOUR

Art. 9. Le Secrétaire général établit, en consultation avec le Président, l'ordre du jour provisoire de chaque session. Il le communique aux Membres des Nations Unies, au Président du Conseil de sécurité, au Président du Conseil de tutelle, aux institutions spécialisées et aux organisations non gouvernementales de la catégorie a), 1) six semaines avant l'ouverture de la session dans le cas d'une session ordinaire, 2) en même temps que l'avis de convocation du Conseil s'il s'agit d'une session extraordinaire.

Sous réserve des dispositions de l'article 10, les documents essentiels relatifs à chaque point de l'ordre du jour des sessions ordinaires et extraordinaires seront distribués, au plus tard, à la date à laquelle le Secrétaire général communique l'ordre du jour provisoire.

Art. 10. L'ordre du jour provisoire de chaque session ordinaire comprend toutes les questions proposées:

- 1) Par le Conseil, lors d'une session précédente;
- 2) Par l'Assemblée générale, le Conseil de sécurité ou le Conseil de tutelle;
- 3) Par les Membres des Nations Unies, les institutions spécialisées et les organisations non gouvernementales de la catégorie a), si ces questions, avec les documents essentiels, sont communiquées au Secrétaire général au plus tard sept semaines avant la première séance de chaque session. Toute question communiquée au Secrétaire général pour inscription à l'ordre du jour provisoire, et qui lui parvient moins de sept semaines avant la date de la première séance de la session, est accompagnée des documents essentiels et d'une note exposant le caractère d'urgence de la question, ainsi que les raisons pour lesquelles elle n'a pu être communiquée dans le délai prévu. Ces questions, accompagnées de cette note et de toutes observations que le Secrétaire général juge utile de présenter, sont soumises au Comité de l'ordre du jour;
- 4) Par le Secrétaire général, sous réserve des dispositions de l'alinéa 3) ci-dessus.

Rule 11. The provisional agenda for a special session shall consist only of those items proposed for consideration in the request for the holding of the session, subject, when appropriate, to rule 19.

Rule 12. Before the Secretary-General places an item proposed by a specialized agency or a non-governmental organization in category (a) upon the provisional agenda, he shall carry out with the agency or organization concerned such preliminary consultation as may be necessary.

Rule 13. The first item on the provisional agenda of a session of the Council shall be the adoption of the agenda, except for the election of the officers when required under rule 19.

Rule 14. The Council shall set up an Agenda Committee composed of the President, the two Vice-Presidents, and two other members who shall be elected at the first regular session of the Council of each year to hold office until the first regular session of the following year, subject to their remaining members of the Council. Having elected the two members referred to above, the Council shall then proceed to elect one alternate member State for each member of the Agenda Committee whose continued service on the Committee would be dependent on re-election to the Council before the term of office of the Committee expires.

When applicable, the principles of rule 22 shall apply to the Agenda Committee, otherwise the Committee shall elect its own acting chairman.

Any officer of the Council who, although still eligible to serve on the Committee, is prevented from attending a meeting shall designate an alternate from his own State to represent him. Such alternates shall have full rights of participation including the right to vote.

Rule 15. The Agenda Committee shall, prior to each session, consider the items submitted under rule 10 for inclusion in the agenda and make recommendations thereon to the Council, including recommendations as to the inclusion, deletion or deferment of items and as to the order in which they will be considered.

The Agenda Committee shall recommend the inclusion of any item transmitted to it by the Secretary-General

Art. 11. L'ordre du jour provisoire d'une session extraordinaire comporte seulement les questions présentées pour examen dans la demande de convocation de la session extraordinaire, sous réserve, le cas échéant, des dispositions de l'article 19.

Art. 12. Avant d'inscrire à l'ordre du jour provisoire une question présentée par une institution spécialisée ou par une organisation non gouvernementale de la catégorie a), le Secrétaire général procède avec cette institution ou cette organisation à tous les échanges de vues nécessaires.

Art. 13. L'adoption de l'ordre du jour constitue le premier point de l'ordre du jour provisoire d'une session du Conseil, sauf s'il y a lieu d'élire les membres du Bureau conformément à l'article 19.

Art. 14. Le Conseil désigne un Comité de l'ordre du jour, comprenant le Président, les deux Vice-Présidents et deux autres membres qui sont élus chaque année à la première session ordinaire du Conseil et restent en fonction jusqu'à la première session ordinaire de l'année suivante, à condition qu'ils restent membres du Conseil. Après avoir élu ces deux membres, le Conseil procède à l'élection d'un suppléant pour chaque membre du Comité de l'ordre du jour qui ne continuerait à faire partie de ce Comité que s'il était réélu au Conseil avant l'expiration du mandat du Comité.

Dans les cas où ils sont applicables, les principes de l'article 22 s'appliquent au Comité de l'ordre du jour; dans les autres cas, le Comité élit un président par intérim.

Tout membre du Bureau du Conseil qui, bien qu'étant encore éligible au Comité, est empêché d'assister à une séance, désigne un suppléant du même pays que le sien pour le représenter. Ce suppléant a tous les droits du membre titulaire, y compris le droit de vote.

Art. 15. Avant chaque session, le Comité de l'ordre du jour examine les questions proposées pour inscription à l'ordre du jour conformément à l'article 10 et fait au Conseil des recommandations à ce sujet; il recommande notamment l'addition, la suppression ou l'ajournement de certaines questions, ou le changement de l'ordre dans lequel elles doivent venir en discussion.

Lorsque le Secrétaire général a transmis au Comité de l'ordre du jour, conformément à l'article 10, une demande d'in-

under rule 10 in cases where the request for its inclusion reached the Secretary-General less than seven weeks before the first meeting of the session, only if the item is, in its opinion, urgent and important.

The Agenda Committee shall make recommendations to the Council concerning the procedure to be followed in the consideration of the items on the agenda, including the reference of certain items to the Council committees set up under rule 25, without preliminary debate in the Council.

The Agenda Committee may also recommend that, without preliminary debate in the Council, any item be referred to:

(a) A specialized agency, with the proviso that the specialized agency shall report on its work to the Council;

(b) One or more of its commissions, for examination and report at a subsequent session of the Council;

(c) The Secretary-General for study and report at a subsequent session of the Council; or

(d) The authority proposing the item, for further information or documentation.

A Member of the United Nations, a specialized agency, or a non-governmental organization in category (a), which has requested the inclusion of an item in the provisional agenda, shall be entitled to be heard on the inclusion of the item by the Agenda Committee.

Rule. 16. During a session, the Council may revise the agenda by adding, deleting, deferring or amending items. Only urgent and important items shall be added to the agenda of the Council during the session. The Council may refer any request for inclusion of an item on the agenda of the Council's session to the Agenda Committee for report.

III. REPRESENTATION. CREDENTIALS

Rule. 17. Each member of the Council shall be represented by an accredited representative, who may be accompanied by such alternate representatives and advisers as may be required.

Rule. 18. The credentials of representatives and the names of alternate

scription qui lui est parvenue moins de sept semaines avant la première séance de la session, ce Comité ne recommande l'inscription que si la question présente à ses yeux un caractère urgent et important.

Le Comité de l'ordre du jour fait au Conseil des recommandations concernant la procédure à suivre pour l'examen des points de l'ordre du jour; il peut notamment recommander le renvoi de certaines questions, sans débat préalable du Conseil, aux comités du Conseil constitués en vertu de l'article 25.

Le Comité de l'ordre du jour peut aussi recommander que, sans débat préalable du Conseil, toute question soit renvoyée:

a) A une institution spécialisée, sous réserve pour cette dernière de rendre compte de ses travaux au Conseil;

b) A une ou plusieurs de ses commissions, pour examen et rapport à une session ultérieure du Conseil;

c) Au Secrétaire général, pour étude et rapport à une session ultérieure du Conseil; ou

d) A l'autorité qui propose l'inscription de la question à l'ordre du jour, pour supplément d'information ou de documentation.

Un Etat Membre des Nations Unies, une institution spécialisée ou une organisation non gouvernementale de la catégorie a) qui a demandé l'inscription d'une question à l'ordre du jour provisoire a le droit d'exposer au Comité de l'ordre du jour son point de vue sur l'inscription de cette question.

Art. 16. Au cours d'une session, le Conseil peut reviser l'ordre du jour en y ajoutant, supprimant, déplaçant ou modifiant des points. En cours de session, on ne peut ajouter à l'ordre du jour que des points urgents et importants. Le Conseil peut renvoyer, pour rapport, au Comité de l'ordre du jour, toute demande d'inscription d'une question à l'ordre du jour de cette session.

III. REPRÉSENTATION. VÉRIFICATION DES POUVOIRS

Art. 17. Chaque membre du Conseil est représenté par un représentant accrédité auquel peuvent s'adjoindre les suppléants ou conseillers nécessaires.

Art. 18. Les pouvoirs des représentants et le nom des suppléants et conseillers

representatives and advisers shall be submitted to the Secretary-General not less than twenty-four hours before the first meeting at which the representatives are to attend. The President and the Vice-Presidents shall examine the credentials and submit their report to the Council. This rule shall not, however, prevent a member from changing its representatives, alternate representatives, or advisers subsequently, subject to proper submission and examination of credentials, where needed.

IV. PRESIDENT AND VICE-PRESIDENTS

Rule 19. Each year at the commencement of its first meeting the Council shall elect a President, a first Vice-President and a second Vice-President, from among the representatives of its members.

Rule 20. The President and Vice-Presidents shall hold office until their successors are elected. They shall be eligible for re-election. None of them may, however, hold office after the expiration of the term of office of the member of which he is a representative.

Rule 21. If the President is absent from a meeting or any part thereof, the first Vice-President, or in the latter's absence, the second Vice-President shall preside.

Rule 22. If the President ceases to be a representative of a member of the Council or is incapacitated, or if the Member of the United Nations of which he is a representative ceases to be a member of the Council, the first Vice-President shall take his place. In similar circumstances, the second Vice-President shall take the place of the first Vice-President.

Rule 23. A Vice-President acting as President shall have the same powers and duties as the President.

Rule 24. In the case of a member of the Council which is for the time being represented by the President, an alternate representative shall, at the discretion of the President, be permitted to participate in the proceedings and to vote in the Council. In such a case the President shall not exercise his right to vote.

V. COMMITTEES OF THE COUNCIL

Rule 25. At each session, the Council may set up such committees as it deems necessary in addition to the committees

sont communiqués au Secrétaire général vingt-quatre heures, au plus tard, avant la première séance à laquelle ces représentants doivent assister. Le Président et les Vice-Présidents les examinent et font rapport au Conseil. Toutefois, les dispositions du présent article n'empêchent pas un membre du Conseil de changer ultérieurement de représentants, de suppléants ou de conseillers, sous réserve que les pouvoirs soient, le cas échéant, présentés et examinés dans les formes requises.

IV. PRÉSIDENT ET VICE-PRÉSIDENTS

Art. 19. Le Conseil élit chaque année, au début de sa première séance, un Président, un premier Vice-Président et un second Vice-Président parmi les représentants de ses membres.

Art. 20. Le Président et les Vice-Présidents restent en fonction jusqu'à l'élection de leurs successeurs. Ils sont rééligibles. Aucun d'eux ne peut toutefois exercer ses fonctions au delà de la date à laquelle expire le mandat de l'Etat membre qu'il représente.

Art. 21. Si le Président est absent pendant une séance ou une partie de séance, il est remplacé par le premier Vice-Président ou, en cas d'absence de celui-ci, par le second Vice-Président.

Art. 22. Si le Président cesse d'être le représentant d'un membre du Conseil, ou se trouve dans l'impossibilité de s'acquitter de ses fonctions, ou si l'Etat Membre des Nations Unies dont il est le représentant cesse d'être membre du Conseil, le premier Vice-Président le remplace. Si ce dernier se trouve dans le même cas, le second Vice-Président le remplace.

Art. 23. Le Vice-Président, lorsqu'il fait fonction de Président, a les mêmes droits et les mêmes devoirs que le Président.

Art. 24. Le Président, s'il le désire, peut se faire remplacer, pour représenter son pays, par un suppléant qui participe alors aux débats et aux votes du Conseil. Dans ce cas, le Président n'exerce pas son droit de vote.

V. COMITÉS DU CONSEIL

Art. 25. Outre les comités spécifiquement prévus dans le présent règlement, le Conseil peut, à chaque session, créer les

specifically provided for in these rules, and refer to them any questions on the agenda for study and report. Such committees may be authorized to sit while the Council is not in session.

Each committee shall elect its own officers, except where decided otherwise by the Council.

The provisions of rules 40 and 41, and 46 to 69 inclusive, shall be applied in the proceedings of the committees and any subsidiary bodies set up by them.

Rule 26. Committees of the Council shall be nominated by the President subject to approval of the Council, unless the Council decides otherwise.

Sub-committees of committees shall be nominated by the Chairman of the committee subject to approval of the committee, unless the committee decides otherwise.

VI. SECRETARIAT

Rule 27. The Secretary-General shall act in that capacity in all meetings of the Council and of its committees. He may designate one of the Assistant Secretaries-General or another officer of the Secretariat to act as his representative.

Rule 28. The Secretary-General shall provide and direct the staff required by the Council, its committees and such subsidiary bodies as may be established by them.

Rule 29. The Secretary-General shall be responsible for keeping the members of the Council informed of any questions which may be brought before it for consideration.

Rule 30. The Secretary-General, or his representative, may, subject to rule 47, make oral as well as written statements to the Council, its committees or subsidiary bodies concerning any question under consideration.

Rule 31. The Secretary-General shall be responsible for all the necessary arrangements for meetings of the Council, of its committees and of any subsidiary bodies.

Rule 32. The Secretariat shall interpret speeches made at meetings; shall receive, translate and circulate the documents of the Council, its committees and subsidiary bodies; shall print, publish and circulate the records of the sessions, the

comités qu'il juge nécessaires et leur renvoyer, pour étude et rapport, n'importe quel point de l'ordre du jour. Ces comités peuvent être autorisés à siéger alors que le Conseil n'est pas en session.

Chaque comité élit son bureau, sauf décision contraire du Conseil.

Les dispositions des articles 40 et 41 et 46 à 69 inclus s'appliquent aux travaux des comités et des organes subsidiaires créés par eux.

Art. 26. Les membres des comités du Conseil sont désignés par le Président sous réserve de l'approbation du Conseil, à moins que le Conseil n'en décide autrement.

Les membres des sous-comités de ces comités sont désignés par le Président du comité sous réserve de l'approbation du comité, à moins que celui-ci n'en décide autrement.

VI. SECRÉTARIAT

Art. 27. Le Secrétaire général agit en cette qualité à toutes les séances du Conseil et de ses comités. Il peut désigner un Secrétaire général adjoint ou un autre fonctionnaire du Secrétariat pour le remplacer.

Art 28. Le Secrétaire général fournit et dirige le personnel nécessaire au Conseil, à ses comités et à tous organes subsidiaires qu'ils pourraient créer.

Art 29. Le Secrétaire général porte à la connaissance des membres du Conseil toutes les questions dont le Conseil peut être saisi aux fins d'examen.

Art. 30. Le Secrétaire général ou son représentant peut, sous réserve des dispositions de l'article 47, présenter au Conseil, à ses comités ou aux organes subsidiaires des exposés oraux aussi bien que des exposés écrits sur toute question qui fait l'objet de l'examen du Conseil.

Art. 31. Le Secrétaire général est chargé de prendre toutes les dispositions voulues pour les réunions du Conseil, de ses comités et des organes subsidiaires.

Art. 32. Le Secrétariat assure l'interprétation des discours prononcés au cours des séances; reçoit, traduit et distribue les documents du Conseil, de ses comités et des organes subsidiaires; imprime, publie et distribue les comptes rendus des ses-

resolutions of the Council and the relevant documentation required. It shall have the custody of the documents in the archives of the Council and generally perform all other work which the Council may require.

Rule 33.—1. A summary estimate of the financial implications of all proposals coming before the Council shall be prepared by the Secretary-General and circulated to members as soon as possible after the issue of the provisional agenda. This summary estimate shall be revised as necessary during the session in the light of the Council's discussions and a final summary shall be considered by the Council in plenary meeting before the close of each session.

2. Before a proposal which involves expenditure from United Nations funds is approved by the Council or by any of its committees, the Secretary-General shall prepare and circulate to members, as early as possible, a separate estimate of the cost involved in each such proposal. It shall be the duty of the President of the Council and Chairmen of committees to draw the attention of members to this estimate and invite discussions on it when the proposal is considered by the Council or by a committee.

VII. LANGUAGES

Rule 34. Chinese, English, French, Russian and Spanish shall be the official languages, and English and French the working languages of the Council.

Rule 35. Speeches made in either of the working languages shall be interpreted into the other working language.

Rule 36. Speeches made in any other of the three official languages shall be interpreted into both working languages.

Rule 37. Any representative may make a speech in a language other than the official languages. In this case he shall himself provide for interpretation into one of the working languages. Interpretation into the other working language by an interpreter of the Secretariat may be based on the interpretation given in the first working language.

Rule 38. Written records shall be drawn up in the working languages. A translation of the whole or part of any record into any of the other official lan-

sions, les résolutions du Conseil et les documents nécessaires y afférents. Il assure la garde des documents dans les archives du Conseil et, d'une manière générale, accomplit tous les autres travaux dont le Conseil peut avoir besoin.

Art. 33.—1. Le Secrétaire général dresse un état estimatif résumé des incidences financières de toutes les propositions soumises au Conseil aussitôt que possible après la publication de l'ordre du jour provisoire. Cet état estimatif résumé est révisé selon les besoins, au cours de la session, d'après les débats du Conseil, et le Conseil en examine une récapitulation finale en séance plénière avant la clôture de chaque session.

2. Avant que le Conseil ou l'un de ses comités n'approuve une proposition entraînant des dépenses pour l'Organisation des Nations Unies, le Secrétaire général dresse et fait distribuer aux membres du Conseil, aussitôt que possible, des états estimatifs distincts relatifs aux dépenses entraînées par chacune de ces propositions. C'est au Président du Conseil et aux Présidents des comités qu'il incombe d'attirer sur ces états estimatifs l'attention des membres pour qu'ils les discutent lorsque la proposition est examinée par le Conseil ou par un comité.

VII. LANGUES

Art. 34. L'anglais, le chinois, l'espagnol, le français et le russe sont les langues officielles du Conseil. L'anglais et le français sont les langues de travail du Conseil.

Art. 35. Les discours prononcés dans l'une des langues de travail sont interprétés dans l'autre.

Art. 36. Les discours prononcés dans l'une des trois autres langues officielles sont interprétés dans les deux langues de travail.

Art. 37. Tout représentant peut prendre la parole dans une langue autre que les langues officielles. Dans ce cas, il assure l'interprétation dans l'une des langues de travail. L'interprète du Secrétariat peut prendre pour base de son interprétation dans l'autre langue de travail celle qui a été faite dans la première langue de travail utilisée.

Art. 38. Les comptes rendus sont rédigés dans les langues de travail. La traduction de tout ou partie d'un compte rendu dans l'une des autres langues offi-

guages shall be furnished if requested by any delegation.

Rule 39. All resolutions, recommendations and other formal decisions of the Council shall be made available in the official languages.

VIII. PUBLIC AND PRIVATE MEETINGS

Rule 40. The meetings of the Council shall be held in public unless the Council decides otherwise.

Rule 41. At the close of each private meeting, the Council may issue a *communiqué* through the Secretary-General.

IX. RECORDS

Rule 42. Summary records of the public meetings of the Council, its committees and subsidiary bodies shall be prepared by the Secretariat. They shall be distributed as soon as possible to all members of the Council and any others participating in the meeting, who may, within forty-eight hours of their receipt, submit corrections to the Secretariat. Any disagreement concerning such corrections shall be decided by the President of the Council, or the Chairman of the committee or subsidiary body to which the record relates, after consulting, upon request of the representative concerned, the verbatim records to be kept by the Secretariat in accordance with rule 43, or, if necessary, the sound recordings of the proceedings of the Council.

The summary records, with any such corrections incorporated, shall be distributed promptly to the members of the Council, to the other Members of the United Nations and to the specialized agencies. They may be consulted by the public on publication.

Rule 43¹. Verbatim records of the meetings of the Council shall be kept by the Secretariat. The verbatim records of public meetings shall be available to the public. The verbatim records of private meetings shall be made available upon decision of the Council, to representatives of the Members of the United Nations only.

¹ There are no verbatim records of the Council at present (see resolutions 138 (VI) and 176 (VII) of the Council).

¹ A l'heure actuelle, il n'y a pas de comptes rendus sténographiques du Conseil (voir résolutions 138 (VI) et 176 (VII) du Conseil).

cielles est fournie si une délégation en fait la demande.

Art. 39. Toutes les résolutions, recommandations et autres décisions officielles du Conseil sont établies dans les langues officielles.

VIII. SÉANCES PUBLIQUES ET SÉANCES PRIVÉES

Art. 40. Les séances du Conseil sont publiques, à moins que le Conseil n'en décide autrement.

Art. 41. A l'issue de chaque séance privée, le Conseil peut publier un communiqué par l'intermédiaire du Secrétaire général.

IX. COMPTES RENDUS

Art. 42. Le Secrétariat rédige le compte rendu analytique des séances publiques du Conseil, de ses comités et de ses organes subsidiaires et le distribue aussitôt que possible à tous les membres du Conseil et à tous autres participants à la séance, qui peuvent, dans les quarante-huit heures suivant la réception du compte rendu, proposer des rectifications au Secrétariat. En cas de contestation à ce sujet, c'est le Président du Conseil, du comité ou de l'organe subsidiaire auquel se rapporte le compte rendu qui tranche le désaccord, après avoir consulté, sur la demande du représentant intéressé, les comptes rendus sténographiques établis par le Secrétariat conformément à l'article 43 ou, le cas échéant, les enregistrements sonores des débats du Conseil.

Les comptes rendus analytiques, dans lesquels les corrections éventuelles auront été insérées, sont distribués sans délai aux membres du Conseil, aux autres Membres des Nations Unies et aux institutions spécialisées. Le public peut les consulter dès leur publication.

Art. 43¹. Le Secrétariat établit un compte rendu sténographique des séances du Conseil. Le public peut consulter le compte rendu sténographique des séances publiques. Le compte rendu sténographique des séances privées peut être consulté, sur décision du Conseil, par les représentants des Membres des Nations Unies, à l'exclusion de toute autre personne.

Rule 44. The records of private meetings of the Council shall be made available to the other Members of the United Nations upon decision of the Council and may be made public at such time and under such conditions as the Council may decide.

Rule 45. As soon as possible, the text of the resolutions, recommendations and other formal decisions adopted by the Council, its committees and subsidiary bodies shall be distributed by the Secretariat to all members of the Council and any others participating in the session. The printed text of such resolutions, recommendations and other formal decisions shall be distributed as soon as possible after the close of the session to all the Members of the United Nations and to the specialized agencies.

X. CONDUCT OF BUSINESS

Rule 46. A majority of the members of the Council shall constitute a quorum.

Rule 47. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall declare the opening and closing of each meeting of the Council, shall direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President, subject to these rules, shall have control of the proceedings of the Council and over the maintenance of order at its meetings. He shall rule on points of order and shall have in particular the power to propose adjournment or closure of the debate or adjournment or suspension of a meeting.

Debate shall be confined to the question before the Council and the President may call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 48. During the discussion of any matter, a representative may at any time raise a point of order, and the point of order shall be immediately decided by the President in accordance with the rules of procedure. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the ruling of the President shall stand unless overruled by a majority of the members present and voting.

A representative raising a point of order may not speak on the substance of the matter under discussion.

Art. 44. Le compte rendu des séances privées du Conseil est communiqué aux autres Membres des Nations Unies sur décision du Conseil; il peut être rendu public au moment et dans les conditions que décide le Conseil.

Art. 45. Le Secrétariat distribue à tous les membres du Conseil et à tous autres participants à la session, dans le plus bref délai, le texte des résolutions, recommandations et autres décisions officiellement adoptées par le Conseil, ses comités et ses organes subsidiaires. Le texte imprimé de ces résolutions, recommandations et autres décisions officielles est distribué, le plus tôt possible après la clôture de la session, à tous les Membres des Nations Unies et aux institutions spécialisées.

X. CONDUITE DES DÉBATS

Art. 46. Le quorum est constitué par la majorité des membres du Conseil.

Art. 47. Outre l'exercice des pouvoirs qui lui sont conférés en vertu d'autres dispositions du présent règlement, le Président prononce l'ouverture et la clôture de chaque séance du Conseil, dirige les débats, assure l'application du présent règlement, donne la parole, met les questions aux voix et proclame les décisions. Le Président, sous réserve des dispositions du présent règlement, règle les débats du Conseil et assure le maintien de l'ordre au cours des séances. Il statue sur les motions d'ordre et a, en particulier, le pouvoir de proposer l'ajournement ou la clôture du débat, la levée ou la suspension d'une séance.

Les débats portent uniquement sur la question dont est saisi le Conseil, et le Président peut rappeler à l'ordre un orateur dont les remarques n'ont pas trait au sujet en discussion.

Art. 48. Au cours de la discussion d'une question un représentant peut, à tout moment, présenter une motion d'ordre et le Président prend immédiatement une décision conformément au règlement. Un représentant peut en appeler de la décision du Président. L'appel est immédiatement mis aux voix et la décision du Président, si elle n'est pas annulée par la majorité des membres présents et votants, est maintenue.

Un représentant qui présente une motion d'ordre ne peut, dans son intervention, traiter du fond de la question en discussion.

Rule 49. During the discussion of any matter a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, one representative may speak in favour of and one against the motion, after which the motion shall be immediately put to the vote.

Rule 50. The Council may limit the time allowed to each speaker and the number of times each member may speak on any question, except on procedural questions when the President shall limit each intervention to a maximum of five minutes. When debate is limited and a member has spoken his allotted time, the President shall call him to order without delay.

Rule 51. During the course of a debate the President may announce the list of speakers, and, with the consent of the Council, declare the list closed. The President may, however, accord the right of reply to any member if, in his opinion, a speech delivered after he has declared the list closed makes this desirable. When the debate of an item is concluded because there are no other speakers, the President shall declare the debate closed. Such closure shall have the same effect as closure by the consent of the Council.

Rule 52. A representative may at any time move the closure of the debate on the item under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to vote.

Rule 53. During the discussion of any matter, a representative may move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted and they shall be immediately put to the vote.

Rule 54. Subject to rule 48, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (1) To suspend the meeting;
- (2) To adjourn the meeting;
- (3) To adjourn the debate on the item under discussion;
- (4) For the closure of the debate on the item under discussion.

Art. 49. Au cours de la discussion d'une question, un représentant peut demander l'ajournement du débat sur la question en discussion. Outre l'auteur de la motion, deux orateurs peuvent prendre la parole l'un pour et l'autre contre; après quoi la motion est immédiatement mise aux voix.

Art. 50. Le Conseil peut limiter le temps de parole de chaque orateur et le nombre de fois que chaque membre peut prendre la parole sur une même question; toutefois, pour les questions de procédure, le Président limite le temps de parole de chaque orateur à cinq minutes. Lorsque les débats sont limités et qu'un membre dépasse le temps qui lui a été accordé, le Président le rappelle immédiatement à l'ordre.

Art. 51. Au cours du débat, le Président peut donner lecture de la liste des orateurs et, avec l'assentiment du Conseil, déclarer cette liste close. Le Président peut cependant accorder le droit de réponse à un membre quelconque lorsqu'un discours prononcé après la clôture de la liste des orateurs rend, à son avis, cette mesure souhaitable. Lorsque la discussion portant sur un point est terminée du fait qu'il n'y a pas d'autres orateurs inscrits, le Président prononce la clôture des débats. En pareil cas, la clôture des débats a le même effet que si elle était approuvée par le Conseil.

Art. 52. A tout moment, un représentant peut demander la clôture du débat sur la question en discussion, même si d'autres représentants ont manifesté le désir de prendre la parole. Deux orateurs seulement sont autorisés à se prononcer contre la clôture; après quoi la motion est immédiatement mise aux voix.

Art. 53. Au cours de la discussion d'une question, un représentant peut demander la suspension ou la levée de la séance. Les motions en ce sens ne doivent pas faire l'objet d'un débat, mais sont immédiatement mises aux voix.

Art. 54. Sous réserve des dispositions de l'article 48, les motions suivantes ont, dans l'ordre indiqué ci-dessous, priorité sur toutes les autres propositions ou motions présentées:

- 1) Suspension de la séance;
- 2) Levée de la séance;
- 3) Ajournement du débat sur le point en discussion;
- 4) Clôture du débat sur le point en discussion.

Rule 55. Draft resolutions, and substantive amendments or motions, shall be introduced in writing and handed to the Secretary-General, who shall circulate copies to the representatives twenty-four hours before they are discussed and voted upon, unless the Council decides otherwise.

Rule 56. Subject to rule 54, any motion calling for a decision on the competence of the Council to adopt a proposal submitted to it shall be put to the vote immediately before a vote is taken on the proposal in question.

Rule 57. A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended. A motion which has thus been withdrawn may be reintroduced by any member.

XI. VOTING

Rule 58. Each member of the Council shall have one vote.

Rule 59. Decisions of the Council shall be made by a majority of the members present and voting.

For the purpose of these rules, the phrase "members present and voting" means members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.

Rule 60. Subject to rule 66, the Council shall normally vote by show of hands except that any representative may request a roll-call which shall then be taken in the English alphabetical order of the names of the members, beginning with the member whose name is drawn by lot by the President.

Rule 61. The vote of each member participating in a roll-call shall be inserted in the record.

Rule 62. After the voting has commenced, no representative shall interrupt the voting except on a point of order in connexion with the actual conduct of the voting. Brief statements by members consisting solely in explanations of their votes may be permitted by the President, if he deems it necessary, before the voting has commenced or after the voting has been completed.

Rule 63. Parts of a proposal shall be voted on separately if a representative requests that the proposal be divided.

Art. 55. Les projets de résolution et les amendements de fond ou propositions de fond sont remis par écrit au Secrétaire général qui les distribue aux représentants vingt-quatre heures avant qu'ils puissent être discutés et mis aux voix à moins que le Conseil n'en décide autrement.

Art. 56. Sous réserve des dispositions de l'article 54, toute motion tendant à ce que le Conseil décide s'il est compétent pour adopter une proposition dont il est saisi est mise aux voix immédiatement avant le vote sur la proposition en cause.

Art. 57. L'auteur d'une motion peut toujours la retirer avant qu'elle n'ait été mise aux voix, à condition qu'elle n'ait pas fait l'objet d'un amendement. Une motion ainsi retirée peut être présentée à nouveau par un membre quelconque.

XI. VOTE

Art. 58. Chaque membre du Conseil dispose d'une voix.

Art. 59. Les décisions du Conseil sont prises à la majorité des membres présents et votants.

Aux fins du présent règlement, l'expression "membres présents et votants" s'entend des membres qui votent pour ou contre. Les membres qui s'abstiennent dans le vote sont considérés comme non votants.

Art. 60. Sous réserve des dispositions de l'article 66, le Conseil, en règle générale, vote à main levée, sauf lorsqu'un représentant demande l'appel nominal, qui a lieu alors dans l'ordre alphabétique anglais des noms de membres, en commençant par le membre dont le Président a tiré le nom au sort.

Art. 61. En cas de vote par appel nominal, le vote de chaque membre participant au scrutin est consigné au compte rendu.

Art. 62. Quand le scrutin est commencé, aucun représentant ne peut l'interrompre sauf s'il s'agit d'une motion d'ordre relative à la manière dont s'effectue le scrutin. Le Président peut, s'il le juge nécessaire, permettre aux membres d'intervenir brièvement, soit avant que le scrutin ne commence, soit quand il est terminé, mais uniquement pour expliquer leur vote.

Art. 63. La division est de droit si elle est demandée. Les parties de la proposition qui ont été adoptées sont ensuite

Those parts of the proposal which have been approved shall then be put to the vote as a whole; if all the operative parts of a proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Rule 64. When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Council shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on, until all the amendments have been put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. If no amendments are adopted the proposal shall be put to the vote in its original form.

A motion is considered an amendment to a proposal if it adds to, deletes from or revises that proposal.

Rule 65. If two or more proposals relate to the same question, the Council shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Council may, after each vote on a proposal, decide whether to vote on the next proposal.

Any motions requiring that no decision be taken on the substance of such proposals shall, however, be considered as previous questions and shall be put to the vote before them.

Rule 66. All elections of individuals shall be decided by secret ballot.

Rule 67. If, when one person or member only is to be elected, no candidate obtains in the first ballot the majority required, a second ballot shall be taken, confined to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

In the case of a tie in the first ballot, among the candidates obtaining the second largest number of votes, a special ballot shall be held for the purpose of reducing the number of candidates to two. In the case of a tie among three or more

mises aux voix en bloc; si toutes les parties du dispositif d'une proposition ont été repoussées, la proposition est considérée comme repoussée dans son ensemble.

Art. 64. Lorsqu'une proposition fait l'objet d'un amendement, l'amendement est mis aux voix en premier lieu. Si une proposition fait l'objet de deux ou plusieurs amendements, le Conseil vote d'abord sur celui qui s'éloigne le plus, quant au fond, de la proposition primitive. Il vote ensuite sur l'amendement qui, après ce premier amendement, s'éloigne le plus de la proposition, et ainsi de suite jusqu'à ce que tous les amendements aient été mis aux voix. Si un ou plusieurs amendements sont adoptés, on vote ensuite sur la proposition modifiée. Si aucun amendement n'est adopté, la proposition est mise aux voix sous sa forme primitive.

Une motion est considérée comme un amendement à une proposition si elle représente une addition, une suppression ou une modification intéressant cette proposition.

Art. 65. Si la même question fait l'objet de deux ou plusieurs propositions, le Conseil, à moins qu'il n'en décide autrement, vote sur ces propositions dans l'ordre où elles ont été présentées. Après chaque vote, le Conseil peut décider s'il votera sur la proposition suivante.

Toutefois, les motions qui tendent à ce que le Conseil ne se prononce pas sur le fond des propositions sont considérées comme des questions préalables et mises aux voix avant les dites propositions.

Art. 66. Toute élection de personnes a lieu au scrutin secret.

Art. 67. Lorsqu'il s'agit d'élire une seule personne ou un seul membre, et qu'aucun candidat ne recueille au premier tour la majorité requise, on procède à un second tour de scrutin, mais le vote ne porte plus que sur les deux candidats qui ont obtenu le plus grand nombre de voix au premier tour. Si les deux candidats recueillent le même nombre de voix à ce second tour, le Président décide entre eux en tirant au sort.

Au cas où, après le premier tour de scrutin, deux ou plusieurs candidats viennent en deuxième position avec un nombre égal de voix, on procède à un scrutin spécial afin de ramener à deux le nombre de candidats. Si, après le premier tour de scrutin, trois

candidates, obtaining the largest number of votes, a second ballot shall be held; if a tie results among more than two candidates, the number shall be reduced to two by lot.

Rule 68. When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining a majority on the first ballot shall be elected.

If the number of candidates obtaining such majority is less than the number of places to be filled, there shall be held additional ballots to fill the remaining places. The voting will be restricted to the candidates obtaining the greatest number of votes in the previous ballot, who shall number not more than twice the places remaining to be filled. However, in the case of a tie between a greater number of unsuccessful candidates, a special ballot shall be held for the purpose of reducing the number of candidates to the required number.

If three restricted ballots are inconclusive, unrestricted ballots shall follow in which votes may be cast for any eligible person or member. If three such unrestricted ballots are inconclusive, the next three ballots (subject to exception in the case similar to that of the tie mentioned at the end of the previous paragraph of this rule) shall be restricted to the candidates obtaining the greatest number of votes in the third of the unrestricted ballots. The number of such candidates shall not be more than twice the places remaining to be filled.

The following three ballots thereafter shall be unrestricted and so on, until all the places are filled.

Rule 69. If a vote is equally divided on matters other than elections the proposal shall be regarded as rejected.

XII. COMMISSIONS

Rule 70. The Council shall set up such commissions as may be required for the performance of its functions, and shall define the powers and composition of each of them.

candidats ou plus viennent en tête avec un nombre égal de voix, on procède à un deuxième tour de scrutin; s'il y a encore partage égal des voix entre plus de deux candidats, on ramène à deux le nombre des candidats par tirage au sort.

Art. 68. Lorsque deux ou plusieurs postes doivent être pourvus par voie d'élection en même temps et dans les mêmes conditions, les candidats qui obtiennent au premier tour la majorité requise sont élus.

Si le nombre des candidats qui ont obtenu la majorité est inférieur au nombre des postes à pourvoir, on procède à d'autres tours de scrutin afin de pourvoir aux postes encore vacants; le vote ne porte que sur les candidats qui ont obtenu le plus grand nombre de suffrages au scrutin précédent et dont le nombre ne doit pas dépasser le double de celui des postes restant à pourvoir. Néanmoins, dans le cas où un plus grand nombre de candidats se trouvent à égalité, on procède à un scrutin spécial pour ramener le nombre des candidats au nombre requis.

Si trois scrutins portant sur un nombre limité de personnes ne donnent pas de résultat, on procède alors à des scrutins libres au cours desquels les membres ont le droit de voter pour toute personne ou membre éligible. Si trois tours de scrutin effectués selon cette dernière procédure ne donnent pas de résultat, les trois scrutins suivants (sous réserve des cas mentionnés à la fin du paragraphe précédent, où les candidats se trouvent à égalité) ne portent plus que sur les candidats qui ont obtenu le plus grand nombre de voix au troisième tour des scrutins libres. Le nombre de ces candidats ne doit pas être supérieur au double de celui des postes qui restent à pourvoir.

Les trois scrutins suivants sont libres, et ainsi de suite, jusqu'à ce que tous les postes soient pourvus.

Art. 69. En cas de partage égal des voix lors d'un vote qui ne porte pas sur des élections, la proposition est considérée comme repoussée.

XII. COMMISSIONS

Art. 70. Le Conseil constitue les commissions nécessaires à l'accomplissement de ses fonctions; il fixe leurs attributions et leur composition.

Rule 71. Elections to commissions shall be decided by secret ballot, unless the Council decides otherwise.

Rule 72. Each commission shall elect its own officers.

Rule 73. The rules of procedure of the commissions and their subsidiary bodies shall be drawn up by the Council, unless the Council decides otherwise.

XIII. PARTICIPATION OF MEMBERS OF THE UNITED NATIONS NOT MEMBERS OF THE COUNCIL

Rule 74. The Council shall invite any Member of the United Nations which is not a member of the Council to participate in its deliberations on any matter which the Council considers is of particular concern to that Member. Any Member thus invited shall not have the right to vote but may submit proposals which may be put to the vote by request of any member of the Council.

Rule 75. A committee may invite any Member of the United Nations which is not one of its own members to participate in its deliberations on any matter which the committee considers is of particular concern to that Member. Any Member thus invited shall not have the right to vote but may submit proposals which may be put to the vote by request of any member of the committee.

XIV. PARTICIPATION OF THE PRESIDENT OF THE TRUSTEESHIP COUNCIL

Rule 76. The President of the Trusteeship Council, or his representative, may participate without the right to vote, in the deliberations of the Economic and Social Council on any matter of particular concern to the Trusteeship Council including questions which have been proposed by the Trusteeship Council for inclusion on the provisional agenda of the Economic and Social Council.

XV. PARTICIPATION OF SPECIALIZED AGENCIES

Rule 77. In accordance with the agreements concluded between the United Nations and the specialized agencies, the specialized agencies shall be entitled:

(1) To be represented at meetings of the Council and its committees;

Art. 71. L'élection des membres des commissions a lieu au scrutin secret, à moins que le Conseil n'en décide autrement.

Art. 72. Chaque commission élit son propre bureau.

Art. 73. Le règlement intérieur des commissions et de leurs organes subsidiaires est établi par le Conseil, à moins que le Conseil n'en décide autrement.

XIII. PARTICIPATION DES ETATS MEMBRES DES NATIONS UNIES QUI NE SONT PAS MEMBRES DU CONSEIL

Art. 74. Le Conseil, lorsqu'il examine une question qui, à son avis, intéresse particulièrement un Membre des Nations Unies qui n'est pas membre du Conseil, convie cet Etat Membre à participer à ses délibérations. Un Membre des Nations Unies ainsi invité n'a pas le droit de vote, mais il peut présenter des propositions qui peuvent être mises aux voix à la demande de tout membre du Conseil.

Art. 75. Un comité peut inviter tout Membre des Nations Unies qui n'est pas membre du comité à participer à la discussion de toute question qui, de l'avis du comité, intéresse particulièrement cet Etat Membre. Un Membre des Nations Unies ainsi invité n'a pas le droit de vote, mais il peut présenter des propositions qui peuvent être mises aux voix à la demande de tout membre du Comité.

XIV. PARTICIPATION DU PRÉSIDENT DU CONSEIL DE TUTELLE

Art. 76. Le Président du Conseil de tutelle, ou son représentant, peut participer, sans droit de vote, aux délibérations du Conseil économique et social sur toute question qui intéresse particulièrement le Conseil de tutelle, y compris les questions dont le Conseil de tutelle a demandé l'inscription à l'ordre du jour provisoire du Conseil économique et social.

XV. PARTICIPATION DES INSTITUTIONS SPÉCIALISÉES

Art. 77. Conformément aux accords conclus entre l'Organisation des Nations Unies et les institutions spécialisées, les institutions spécialisées ont le droit:

1) D'être représentées aux séances du Conseil et de ses comités;

(2) To participate, through their representatives, in the deliberations with respect to items of concern to them, and to submit proposals regarding such items, which may be put to the vote on request of any member of the Council or of the committee concerned.

XVI. CONSULTATION WITH NON-GOVERNMENTAL ORGANIZATIONS

Rule 78. The Council shall establish a Standing Committee on Non-Governmental Organizations composed of the President and five members of the Council to be elected each year at the first regular session of the Council, (1) to recommend to the Council what action should be taken on applications for consultative status submitted by non-governmental organizations, and (2) to consult with non-governmental organizations in categories (a), (b) and (c).¹

Rule 79. Non-governmental organizations in categories (a), (b) and (c) may designate authorized representatives to sit as observers at all public meetings of the Council and of its committees.

The Council may consult, through the Council Committee on Non-Governmental Organizations, with non-governmental organizations in categories (a), (b) or (c) upon matters in which such organizations have special competence or knowledge, if the Council so decides or if the non-governmental organization specifically requests such consultation. The representatives of the organizations shall be entitled to participate fully in any discussion of substance during such consultation.

The Council Committee on Non-Governmental Organizations shall report on its consultations to the Council in sufficient detail to permit the members of the Council to form their own judgment regarding the importance of the subject under consideration and any action to be taken thereon.

¹ That is, non-governmental organizations recognized in accordance with paragraph 1 (a), (b) and (c) of part IV of the report of the Committee on Arrangements for Consultation with Non-Governmental Organizations adopted by the Council on 21 June 1946.

¹ C'est-à-dire les organisations non gouvernementales reconnues aux termes du paragraphe 1 a), b) et c) de la partie IV du rapport du Comité chargé d'examiner les dispositions à prendre en vue des consultations avec les organisations non gouvernementales, adopté par le Conseil le 21 juin 1946.

2) De participer, par l'intermédiaire de leurs représentants, aux délibérations concernant des questions qui les intéressent et de présenter, au sujet de ces questions, des propositions qui peuvent être mises aux voix à la demande de tout membre du Conseil ou du comité intéressé.

XVI. CONSULTATIONS AVEC LES ORGANISATIONS NON GOUVERNEMENTALES

Art. 78. Le Conseil crée un Comité permanent chargé des organisations non gouvernementales; ce Comité, composé du Président et de cinq membres du Conseil, élus chaque année à la première session ordinaire du Conseil, a pour fonctions 1) de recommander au Conseil les mesures qu'il convient de prendre au sujet des demandes de statut consultatif présentées par des organisations non gouvernementales, et 2) d'entrer en rapport avec les organisations non gouvernementales des catégories a), b) et c).¹

Art. 79. Les organisations non gouvernementales des catégories a), b) et c) peuvent désigner des représentants autorisés pour participer en qualité d'observateurs à toutes les séances publiques du Conseil et de ses comités.

S'il en décide ainsi, ou si l'organisation non gouvernementale intéressée en fait la demande expresse, le Conseil peut, par l'intermédiaire du Comité du Conseil chargé des organisations non gouvernementales, procéder à des consultations avec les organisations non gouvernementales des catégories a), b) et c) au sujet des questions dans lesquelles ces organisations possèdent une compétence ou une expérience particulière. Les représentants des organisations ont le droit de participer pleinement, pendant une consultation de ce genre, à tout débat relatif à des questions de fond.

Les rapports que le Comité du Conseil chargé des organisations non gouvernementales adresse sur ces consultations doivent être assez détaillés pour que les membres du Conseil puissent se faire une opinion sur l'importance de la question examinée et sur les mesures à prendre au sujet de cette question.

Rule 80. Non-governmental organizations in category (a) may circulate to the Council through the Secretary-General written statements and suggestions on matters within their competence.

Whenever the Council discusses the substance of an item proposed by a non-governmental organization in category (a), as provided for in rule 10, and placed on the agenda of the Council, such an organization shall be entitled to present orally to the Council, or, if the item is referred in the first instance to a committee of the whole of the Council, to the committee, an introductory statement of an expository nature. In the course of the discussion, the organization, if invited by the President of the Council or the Chairman of the committee, with the consent of the relevant body, may make one further statement either before the Council or before the committee.

A non-governmental organization in category (a) desiring to speak either before the Council or a committee of the whole on an item which it has not proposed, shall make such a request in writing to the Chairman of the Council Committee on Non-Governmental Organizations not later than forty-eight hours after the adoption of the agenda by the Council. The Council Committee on Non-Governmental Organizations shall as soon as possible thereafter hear the views of the non-governmental organization on its request, and upon the recommendation of this Committee, the Council as a whole, or the appropriate committee, may arrange to hear one statement by a representative of the organization.

Rule 81. Organizations in categories (b) and (c) may submit to the Secretariat written statements and suggestions on matters within their competence. The Secretariat will prepare and distribute a list of all such communications, briefly indicating the substance of each. Upon the request of any member of the Council, a communication will be reproduced in full and distributed. Any lengthy communication will be distributed by the Secretariat only if sufficient copies are furnished by the organization concerned.

Organizations in categories (b) and (c) shall not be heard by the Council or a

Art. 80. Les organisations non gouvernementales de la catégorie a) peuvent communiquer au Conseil, par l'intermédiaire du Secrétaire général, des notes et des propositions écrites sur les questions qui sont de leur compétence.

Chaque fois que le Conseil examine au fond une question dont une organisation non gouvernementale de la catégorie a), conformément aux dispositions de l'article 10, a demandé l'inscription et qui a été inscrite à l'ordre du jour, cette organisation a le droit de faire oralement devant le Conseil ou, si la question est renvoyée en premier lieu au Conseil siégeant en comité, devant le Conseil ainsi constitué, une déclaration préliminaire pour exposer la question. Au cours des débats, l'organisation, si elle y est invitée par le Président du Conseil ou le Président du Conseil siégeant en comité, peut, avec l'assentiment de l'organe intéressé, faire une nouvelle déclaration devant le Conseil ou devant le Conseil siégeant en comité.

Une organisation non gouvernementale de la catégorie a) qui désire se faire entendre, soit par le Conseil, soit par un comité plénier, sur une question dont elle n'a pas demandé l'inscription, adresse par écrit sa demande au Président du Comité du Conseil chargé des organisations non gouvernementales quarante-huit heures au plus tard après l'adoption de l'ordre du jour par le Conseil. Aussitôt que possible le Comité du Conseil chargé des organisations non gouvernementales entend alors cette organisation au sujet de sa demande, le Conseil lui-même ou le comité compétent peut, sur la recommandation du Comité chargé des organisations non gouvernementales, prendre les dispositions nécessaires pour entendre l'exposé oral d'un représentant de l'organisation.

Art. 81. Les organisations des catégories b) et c) peuvent remettre au Secrétariat des notes et propositions écrites touchant les questions qui sont de leur compétence. Le Secrétariat dresse et distribue une liste de ces communications, en résumant l'essentiel de chacune d'elles. Sur la demande d'un membre quelconque du Conseil, le texte d'une communication sera reproduit intégralement et distribué. Le Secrétariat ne distribue une communication d'une certaine étendue que si l'organisation intéressée en fournit un nombre suffisant d'exemplaires.

Les organisations des catégories b) et c) ne se font pas entendre du Conseil ou

committee of the whole, but upon their request in writing to the Chairman of the Council Committee on Non-Governmental Organizations within forty-eight hours of the adoption by the Council of the final agenda, they shall be given opportunity to express their views on any item on the agenda within their competence before the Council Committee on Non-Governmental Organizations which will report to the Council on such hearings in accordance with rule 79.

du Conseil siégeant en comité, mais, si elles adressent une demande par écrit au Président du Comité du Conseil chargé des organisations non gouvernementales dans les quarante-huit heures qui suivent l'adoption par le Conseil de l'ordre du jour définitif, elles ont la faculté d'exprimer, devant le Comité du Conseil chargé des organisations non gouvernementales qui fait rapport au Conseil à ce sujet conformément aux dispositions de l'article 79, leurs idées sur toute question inscrite à l'ordre du jour et relevant [de] leur compétence.

XVII. AMENDMENTS AND SUSPENSIONS

Rule 82. Any of these rules may be amended or suspended by the Council.

Rule 83. These rules may not be amended until the Council has received a report on the proposed amendment from a committee of the Council.

Rule 84. A rule of procedure may be suspended by the Council provided that twenty-four hours' notice of the proposal for the suspension has been given. The notice may be waived if no member objects.

XVII. AMENDEMENTS ET SUSPENSIONS

Art. 82. Le Conseil peut modifier toute disposition du présent règlement ou en suspendre l'application.

Art. 83. Aucun amendement ne peut être apporté au présent règlement avant que le Conseil n'ait reçu d'un de ses comités un rapport sur la modification proposée.

Art. 84. Le Conseil peut suspendre l'application d'un article du présent règlement, à condition que la proposition de suspension ait été présentée vingt-quatre heures à l'avance. Cette condition peut être écartée si aucun membre ne s'y oppose.

No. 653e

Rules of Procedure of the Trusteeship Council. Adopted at Lake Success, April 23, 1947.

Règlement intérieur du Conseil de tutelle. Adopté à Lake Success, 23 avril 1947.

EDITOR'S NOTE. Provisional rules of procedure, drafted by the Preparatory Commission of the United Nations, were approved by the Trusteeship Council, in an amended form, on April 23, 1947. U.N. Docs. T/1 and T/1/Rev.1. Minor amendments were adopted by the Council on December 2 and 11, 1947, and on January 26, 1949. U.N. Docs. T/154 and T/331. The text reproduced here incorporates the amendments.

As in force on February 1, 1949

Text from U.N. Docs. T/1/Rev. 1, T/154, and T/331.

I. SESSIONS

Rule 1. The Trusteeship Council shall meet in two regular sessions each

I. SESSIONS

Article 1. Le Conseil de tutelle se réunit chaque année en deux sessions ordi-

year. The first of such sessions shall be convened during the latter half of June and the second shall be convened during the latter half of November.

Rule 2. Special sessions shall be held as and where occasion may require, by decision of the Trusteeship Council, or at the request of a majority of its members, or at the request of the General Assembly, or at the request of the Security Council acting in pursuance of the relevant provisions of the Charter.

Rule 3. A request for a special session may be made by the Economic and Social Council or by any member of the Trusteeship Council, and shall be addressed to the Secretary-General of the United Nations, who without delay shall communicate the request to the other members of the Trusteeship Council. On notification by the Secretary-General that the majority of the members have concurred, the President of the Trusteeship Council shall request the Secretary-General to call a special session.

Rule 4. The President of the Trusteeship Council shall notify the members of the Council of the date and place of the first meeting of each session through the Secretary-General. Such notification, as a rule, shall be given at least thirty days in advance of the date of the session. Notifications shall also be addressed to the Security Council, to the Economic and Social Council, to such Members of the United Nations as have proposed an item for the agenda, and to such of the specialized agencies as may attend and participate in the meetings of the Trusteeship Council under the terms of the agreements with the United Nations.

Rule 5. A request for an alteration of the date of a regular session may be made by any member of the Trusteeship Council or the Secretary-General and shall be dealt with by a procedure similar to that provided in Rule 3 for a request for a special session.

Rule 6. Each session shall be held at the seat of the United Nations, unless in pursuance of a previous decision of the Trusteeship Council or at the request of a majority of its members another place is designated. A request for a place of meeting other than the seat of the United Nations may be made by any member of the Trusteeship Council or by the Secretary-General and shall be dealt with by a procedure similar to that provided

naires. La première de ces sessions est convoquée pour la deuxième moitié de juin, et la seconde pour la deuxième moitié de novembre.

Art. 2. Des sessions spéciales se tiennent où et quand il y a lieu, en vertu d'une décision du Conseil de tutelle, ou à la demande de la majorité de ses membres, ou à la demande de l'Assemblée générale, ou à la demande du Conseil de sécurité, en application des dispositions pertinentes de la Charte.

Art. 3. Le Conseil économique et social ou tout membre du Conseil de tutelle peut demander la convocation d'une session spéciale; cette demande est adressée au Secrétaire général de l'Organisation des Nations Unies qui la communique sans délai aux autres membres du Conseil de tutelle. Quand il est avisé par le Secrétaire général que la majorité des membres se rallie à la demande, le Président du Conseil de tutelle invite le Secrétaire général à convoquer une session spéciale.

Art. 4. Le Président du Conseil de tutelle notifie aux membres, par l'intermédiaire du Secrétaire général, la date de la première séance de chaque session. Cette notification a lieu, en principe, trente jours au moins à l'avance. Il notifie également cette date au Conseil de sécurité, au Conseil économique et social, aux Membres de l'Organisation des Nations Unies qui ont proposé l'inscription d'un point à l'ordre du jour, et aux institutions spécialisées qui assistent et participent aux réunions du Conseil de tutelle aux termes des accords conclus avec l'Organisation des Nations Unies.

Art. 5. Tout membre du Conseil de tutelle ou le Secrétaire général peut demander un changement de date d'une session ordinaire; il sera appliqué pour ces demandes une procédure semblable à celle que prévoit l'article 3 pour les demandes de session spéciale.

Art. 6. Les sessions se tiennent au siège de l'Organisation, à moins qu'il ne soit fait choix d'un autre lieu de réunion en vertu d'une résolution antérieure du Conseil de tutelle, ou à la demande de la majorité de ses membres. Tout membre du Conseil de tutelle ou le Secrétaire général peut demander que la réunion ait lieu ailleurs qu'au siège des Nations Unies; il sera appliqué pour ces demandes une procédure semblable à celle que

in Rule 3 for a request for a special session.

Rule 7. The Trusteeship Council may decide at any session to adjourn temporarily and resume its meetings at a later date.

II. AGENDA

Rule 8. The provisional agenda for each session of the Trusteeship Council shall be drawn up by the Secretary-General in consultation with the President and shall be communicated together with the notice summoning the Council to the Organs, Members and Specialized Agencies referred to in Rule 4.

Rule 9. The provisional agenda shall include consideration of:

(a) such annual reports and other documents as may have been submitted by the Administering Authorities;

(b) such petitions as may have been presented, a list of which shall be attached;

(c) arrangements for and reports on visits to Trust Territories;

(d) all items proposed by the Trusteeship Council at a previous session;

(e) all items proposed by any Member of the United Nations;

(f) all items proposed by the General Assembly, the Security Council, the Economic and Social Council, or a specialized agency under the terms of its agreement with the United Nations; and

(g) all items or reports which the President or the Secretary-General may deem necessary to put before the Trusteeship Council.

Rule 10. The first item on the provisional agenda of any meeting of the Trusteeship Council shall be the adoption of the agenda. The Trusteeship Council may revise the agenda and may, as appropriate, add, defer or delete items. During any special session priority shall be given to the consideration of those items for which the session has been called.

III. REPRESENTATION AND CREDENTIALS

Rule 11. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

prévoit l'article 3 pour les demandes de session spéciale.

Art. 7. Le Conseil de tutelle peut, à n'importe quelle session, décider de s'ajourner temporairement et de reprendre ses séances ultérieurement.

II. ORDRE DU JOUR

Art. 8. Pour chaque session du Conseil de tutelle, le Secrétaire général établit, en consultation avec le Président, l'ordre du jour provisoire qui est communiqué en même temps que l'avis de convocation du Conseil, aux organes, aux membres et aux institutions spécialisées, mentionnées à l'article 4.

Art. 9. A l'ordre du jour provisoire figure l'examen:

a) Des rapports annuels et autres documents présentés par les Autorités chargées de l'administration des Territoires;

b) Des pétitions qui ont été présentées, dont la liste sera jointe;

c) Des dispositions à prendre en vue des visites dans les Territoires sous tutelle, ainsi que des rapports sur ces visites;

d) De toutes les questions proposées par le Conseil de tutelle à une séance précédente;

e) De toutes les questions proposées par n'importe quel Membre de l'Organisation;

f) De toutes les questions proposées par l'Assemblée générale, le Conseil de sécurité, le Conseil économique et social ou les institutions spécialisées en vertu des accords conclus par ces dernières avec l'Organisation;

g) De toutes les questions et tous les rapports dont le Président ou le Secrétaire général jugeraient nécessaire de saisir le Conseil de tutelle.

Art. 10. L'adoption de l'ordre du jour constitue le premier point de l'ordre du jour provisoire de toute réunion du Conseil de tutelle. Le Conseil de tutelle peut modifier l'ordre du jour, et s'il y a lieu y ajouter des rubriques, en ajourner, ou en supprimer. Lors d'une session spéciale, la priorité est accordée à l'examen des questions pour lesquelles la session a été convoquée.

III. REPRÉSENTATION ET VÉRIFICATION DES POUVOIRS

Art. 11. Chaque membre du Conseil de tutelle désigne une personne spécialement qualifiée pour le représenter au Conseil.

Rule 12. Members of the United Nations which are not members of the Trusteeship Council but which have proposed items on the agenda of that Council shall be invited to have present at the appropriate meetings of the Council, representatives who shall be entitled to participate, without vote, in the deliberations on those items.

Rule 13. Representatives of specialized agencies shall be invited to attend meetings of the Trusteeship Council and to participate, without vote, in its deliberations in the circumstances indicated in the respective agreements between the United Nations and the specialized agencies.

Rule 14.—1. The credentials of representatives on the Trusteeship Council shall normally be communicated to the Secretary-General not less than twenty-four hours before the meeting at which the representatives will take their seats. The credentials shall be issued either by the Head of the State or by the Minister of Foreign Affairs of the respective member Governments.

2. The credentials shall be examined by the Secretary-General who shall submit a report thereon to the Trusteeship Council for approval.

Rule 15.—1. Any Member of the United Nations not a member of the Trusteeship Council, when invited to participate in a meeting or meetings of the Council, shall submit credentials for the representative appointed by it for this purpose in the same manner as provided in Rule 14. The credentials of such a representative shall be communicated to the Secretary-General not less than twenty-four hours before the first meeting which he is to attend.

2. The credentials of representatives referred to in the paragraph immediately preceding and of any representatives appointed in accordance with Rule 74 shall be examined by the Secretary-General who shall submit a report to the Trusteeship Council for approval.

Rule 16. The credentials of representatives of specialized agencies which have been invited to attend meetings of the Trusteeship Council in pursuance of Rule 13 shall be issued by the competent officer of each such specialized agency and shall be subject to the same procedure as defined in Rule 14.

Rule 17. Pending the decision on the

Art. 12. Les Membres des Nations Unies qui ne sont pas membres du Conseil de tutelle, mais qui ont proposé l'inscription de questions à l'ordre du jour du Conseil, sont invités à désigner des représentants pour assister aux séances qui seront consacrées à ces questions. Ces représentants pourront prendre part à ces débats sans droit de vote.

Art. 13. Les représentants des institutions spécialisées sont invités à assister aux séances du Conseil de tutelle et à participer, sans droit de vote, à ses discussions dans les conditions prévues par les accords respectifs conclus entre les Nations Unies et les institutions spécialisées.

Art. 14.—1. Les pouvoirs des représentants au Conseil de tutelle sont normalement communiqués au Secrétaire général vingt-quatre heures au moins avant la séance à laquelle ces représentants viennent occuper leur siège. Les pouvoirs doivent émaner soit du Chef de l'Etat, soit du Ministre des Affaires étrangères de chaque Gouvernement intéressé.

2. Les pouvoirs sont examinés par le Secrétaire général, qui soumet à l'approbation du Conseil de tutelle un rapport à leur sujet.

Art. 15.—1. Tout Membre des Nations Unies qui n'est pas membre du Conseil de tutelle, et qui est invité à participer à une ou plusieurs séances du Conseil, présente les pouvoirs du représentant désigné à cette fin, suivant la même procédure que celle fixée à l'article 14. Les pouvoirs de ce représentant sont communiqués au Secrétaire général vingt-quatre heures au moins avant la séance à laquelle il doit assister.

2. Les pouvoirs des représentants dont il est question au paragraphe ci-dessus, et des représentants nommés conformément à l'article 74, sont examinés par le Secrétaire général qui soumet à l'approbation du Conseil de tutelle un rapport à leur sujet.

Art. 16. Les pouvoirs des représentants des institutions spécialisées qui ont été invités à assister aux séances du Conseil de tutelle, conformément à l'article 13, émanent du fonctionnaire compétent de chacune de ces institutions, et sont soumis à la même procédure que celle fixée à l'article 14.

Art. 17. En attendant la décision sur

credentials of a representative on the Trusteeship Council, such representative shall be seated provisionally and shall enjoy the same rights as he would have if his credentials were found to be in good order.

Rule 18. Each representative on the Trusteeship Council may be accompanied by such alternates and advisors as he may require. An alternate or an advisor may act as a representative when so designated by the representative.

IV. PRESIDENT AND VICE-PRESIDENT

Rule 19. The Trusteeship Council, by secret and separate ballots, shall elect, at the beginning of its regular session in June, a President and a Vice-President from among the representatives of the members of the Trusteeship Council.

Rule 20. The President and Vice-President shall hold office until their respective successors are elected, and shall not be eligible for immediate re-election.

Rule 21. In the absence of the President, the Vice-President shall act as President. In the event that the President for any reason is no longer able to act in that capacity, the Vice-President shall serve as President during the unexpired term. In both cases the Vice-President shall have the same powers and duties as the President.

Rule 22. The President may appoint one of his alternates or advisors to participate in the proceedings and to vote in the Trusteeship Council. In such a case the President shall not exercise his right to vote.

V. SECRETARIAT

Rule 23. The Secretary-General shall act in that capacity at the meetings of the Trusteeship Council and of its committees, sub-committees and such subsidiary bodies as may be established by it. The Secretary-General may authorize a deputy to act in his place.

Rule 24. The Secretary-General shall transmit to the members of the Trusteeship Council all communications which may be addressed to the Council from Members and organs of the United Na-

les pouvoirs d'un représentant au Conseil de tutelle, ce représentant siège provisoirement, et a les mêmes droits qu'il aurait si ses pouvoirs avaient été validés.

Art. 18. Chaque représentant au Conseil de tutelle peut s'adjoindre les suppléants et les conseillers qu'il juge nécessaires. Les suppléants et les conseillers peuvent exercer les fonctions des représentants sur désignation de ces derniers.

IV. PRÉSIDENT ET VICE-PRÉSIDENT

Art. 19. Au début de la session ordinaire de chaque année qui se tient en juin, le Conseil de tutelle élit séparément, au scrutin secret, un Président et un Vice-Président, choisis parmi les représentants des membres du Conseil de tutelle.

Art. 20. Le Président et le Vice-Président restent en fonctions jusqu'à l'élection de leurs successeurs respectifs; ils ne sont pas immédiatement rééligibles.

Art. 21. En cas d'absence du Président, le Vice-Président fait fonction de Président. Au cas où, pour une raison quelconque, le Président n'est plus en mesure de s'acquitter de ses fonctions, le Vice-Président assume la présidence pour le terme qui reste à courir. Dans ces deux cas, le Vice-Président a les mêmes droits et les mêmes devoirs que le Président.

Art. 22. Le Président peut autoriser un de ses suppléants ou conseillers à prendre part aux débats et aux votes du Conseil de tutelle. Dans ce cas le Président n'exerce pas son droit de vote.

V. SECRÉTARIAT

Art. 23. Le Secrétaire général agit en cette qualité aux séances du Conseil de tutelle, des Commissions, Sous-Commissions et de tous organes subsidiaires que le Conseil pourra créer. Le Secrétaire général peut autoriser un adjoint à agir en son lieu et place.

Art. 24. Le Secrétaire général transmet aux membres du Conseil de tutelle toutes les communications adressées au Conseil, émanant des Membres et des organes des Nations Unies et des insti-

tions and from specialized agencies. The Secretary-General shall also call to the attention of the Council communications from other sources, except those which are manifestly inconsequential, if they relate to the activities of the Trusteeship Council.

Rule 25. The Secretary-General shall provide and direct the staff required by the Trusteeship Council and such committees, sub-committees and other subsidiary bodies as it may establish.

Rule 26. The Secretary-General, or his deputy acting on his behalf, may at any time, upon the invitation of the President or of the chairman of a committee or a subsidiary body of the Trusteeship Council, make oral or written statements concerning any question under consideration.

Rule 27. The Secretary-General shall be responsible for all the necessary arrangements for meetings and other activities of the Trusteeship Council, its committees, sub-committees and subsidiary bodies.

VI. LANGUAGES

Rule 28. Chinese, English, French, Russian and Spanish shall be the official languages. English and French shall be the working languages of the Trusteeship Council.

Rule 29. Speeches made in one of the working languages shall be interpreted into the other working language.

Rule 30. Speeches made in any of the other three official languages shall be interpreted into both working languages.

Rule 31. Any representative may speak in a language other than the official languages. In such case, he shall himself provide for interpretation into one of the working languages. Interpretation into the other working language by an interpreter of the Secretariat may be based on the interpretation given in the first working language.

Rule 32. Records of meetings of the Trusteeship Council shall be drawn up in the working languages. A translation of the whole or part of any record into any of the other official languages shall be furnished if requested by any representative in the Trusteeship Council.

Rule 33. The official records and the

tutions spécialisées. Le Secrétaire général signale également à l'attention du Conseil les communications émanant d'autres sources, si elles concernent les activités du Conseil de tutelle, à moins qu'elles soient manifestement déraisonnables.

Art. 25. Le Secrétaire général fournit et dirige le personnel nécessaire au Conseil de tutelle et aux Commissions, Sous-Commissions et autres organes subsidiaires que le Conseil de tutelle pourra créer.

Art. 26. Le Secrétaire général, ou son adjoint agissant en son nom, peut à tout moment et à l'invitation du Président du Conseil de tutelle ou du Président d'une Commission ou d'un organe subsidiaire du Conseil de tutelle, présenter des exposés oraux ou écrits sur toute question faisant l'objet d'une étude de leur part.

Art. 27. Le Secrétaire général est chargé de prendre toutes les dispositions nécessaires pour les réunions et autres activités du Conseil de tutelle, de ses Commissions, Sous-Commissions et organes subsidiaires.

VI. LANGUES

Art. 28. L'anglais, le chinois, l'espagnol, le français et le russe sont les langues officielles. L'anglais et le français sont les langues de travail du Conseil de tutelle.

Art. 29. Les discours prononcés dans l'une des langues de travail sont interprétés dans l'autre.

Art. 30. Les discours prononcés dans l'une des trois autres langues officielles sont interprétés dans les deux langues de travail.

Art. 31. Tout représentant peut prendre la parole dans une langue autre que les langues officielles. Dans ce cas, il assurera lui-même l'interprétation dans l'une des langues de travail. L'interprète du Secrétariat peut prendre pour base de son interprétation dans l'autre langue de travail celle qui aura été faite dans la première langue de travail utilisée.

Art. 32. Les comptes rendus des séances du Conseil de tutelle sont établis dans les deux langues de travail. La traduction de tout ou partie d'un compte rendu dans l'une des autres langues officielles sera fournie si elle est demandée par un représentant au Conseil de tutelle.

Art. 33. Les comptes rendus officiels

Journal of the Trusteeship Council shall be issued in the working languages.

Rule 34. All resolutions of the Trusteeship Council shall be made available in the official languages. Other documents originating with the Council shall be made available in any of the official languages at the request of representatives of members of the Council.

Rule 35. Documents of the Trusteeship Council shall, if the Trusteeship Council so decides, be published in any language other than the official languages.

VII. VOTING

Rule 36. Each member of the Trusteeship Council shall have one vote.

Rule 37. Decisions or recommendations of the Trusteeship Council shall be made by a majority of the members present and voting. Members who abstain in particular votes shall not in those instances be counted as voting.

Rule 38. If a vote other than for an election is equally divided, a second vote shall be taken at the next meeting or, by decision of the Trusteeship Council, following a brief recess. Unless at the second vote there is a majority in favour of the proposal, it shall be deemed to be lost.

Rule 39. The Trusteeship Council shall vote by show of hands except that, before a vote is taken, any representative of a member may request a roll-call, which shall then be taken in the English alphabetical order of the names of the members of the Trusteeship Council.

Rule 40. The vote of each member participating in any roll-call shall be inserted in the record.

Rule 41. All elections and all decisions relating to the tenure of office of an individual shall be taken by secret ballot.

Rule 42. When only one person or member is to be elected and no candidate obtains in the first ballot the majority required, a second ballot shall be taken, which shall be confined to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

et le *Journal* du Conseil de tutelle sont publiés dans les langues de travail.

Art. 34. Toutes les résolutions du Conseil de tutelle sont communiquées dans les langues officielles. Sur la demande d'un représentant d'un membre du Conseil tout autre document émanant du Conseil est établi dans l'une quelconque des langues officielles.

Art. 35. Les documents du Conseil de tutelle seront publiés dans n'importe quelle langue non officielle si le Conseil de tutelle en décide ainsi.

VII. VOTE

Art. 36. Chaque membre du Conseil de tutelle dispose d'une voix.

Art. 37. Toutes les décisions ou les recommandations du Conseil de tutelle sont adoptées à la majorité des membres présents et votant. Les membres qui s'abstiennent dans un vote donné ne sont pas considérés dans ce cas comme ayant voté.

Art. 38. En cas de partage égal des voix dans un vote autre qu'une élection, il est procédé à un second tour à la séance suivante ou, si le Conseil de tutelle en décide ainsi, après une courte suspension de séance. S'il n'y a pas de majorité en faveur de la proposition lors du second tour de scrutin, la proposition n'est pas adoptée.

Art. 39. Le Conseil de tutelle vote à main levée; cependant, avant le vote, tout membre peut demander le vote par appel nominal qui aura lieu alors dans l'ordre alphabétique anglais des noms des membres du Conseil de tutelle.

Art. 40. Le vote de tout membre ayant participé à un scrutin par appel nominal sera inséré au procès-verbal.

Art. 41. Toutes les élections ont lieu et toutes les décisions relatives à la durée d'un mandat individuel sont prises au scrutin secret.

Art. 42. Lorsqu'il s'agit d'élire une seule personne ou un seul membre et qu'aucun candidat ne recueille la majorité requise au premier tour, il y a lieu de procéder à un deuxième tour de scrutin, mais le vote ne porte plus que sur les deux candidats ayant recueilli le plus grand nombre de voix au premier tour. Si les deux candidats recueillent le même nombre de voix à ce second tour, le Président décide entre eux en tirant au sort.

Rule 43. When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining such majority is less than the number of persons or members to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, the number of candidates being not more than twice as many as the places remaining to be filled.

VIII. PUBLICITY OF MEETINGS

Rule 44. The meetings of the Trusteeship Council and of all its subsidiary bodies shall be held in public, unless the Council or subsidiary body concerned decides that circumstances require that meetings be held in private.

Rule 45. At the close of private meetings, as may be appropriate, the Trusteeship Council shall issue a communiqué through the Secretary-General.

IX. RECORDS

Rule 46. The records of all public and private meetings shall be prepared by the Secretariat. They shall be made available in so far as possible within twenty-four hours of the end of the meetings to the representatives who have participated in the meetings.

Rule 47. The representatives who have participated in the meetings shall, within two working days after the distribution of the records, inform the Secretary-General of any corrections they wish to have made. Corrections that have been requested shall be considered approved, unless the President is of the opinion that they are sufficiently important to be submitted to the Trusteeship Council for approval.

Rule 48. The records of public and private meetings in which no corrections have been requested or which have been corrected in accordance with Rule 47 shall be considered as the official records of the Trusteeship Council. The official records of public meetings shall be published by the Secretariat as promptly as possible and communicated to the

Art. 43. Quand deux ou plusieurs postes doivent être pourvus par voie d'élection en même temps et dans les mêmes conditions, les candidats qui, au premier tour, obtiennent la majorité requise sont élus. Si le nombre de candidats obtenant cette majorité est inférieur au nombre de personnes ou de membres à élire, on procède à d'autres tours de scrutin afin de pourvoir les postes encore vacants, le vote ne portant que sur les candidats qui ont obtenu le plus grand nombre de suffrages au scrutin précédent et qui ne doivent pas être en nombre supérieur au double de celui des postes restant à pourvoir.

VIII. PUBLICITÉ DES SÉANCES

Art. 44. Les séances du Conseil de tutelle et de tous ses organes subsidiaires sont publiques, à moins que le Conseil ou l'organe subsidiaire, ne décide que les circonstances exigent que les séances soient privées.

Art. 45. A l'issue des séances privées, le Conseil de tutelle, s'il y a lieu, publie un communiqué par l'intermédiaire du Secrétaire général.

IX. PROCÈS-VERBAUX

Art. 46. Les comptes rendus de toutes les séances, tant publiques que privées, sont préparés par le Secrétariat. Ils sont mis à la disposition des représentants qui ont participé à la séance, autant que possible dans les vingt-quatre heures qui suivent la fin de cette séance.

Art. 47. Les représentants qui ont participé à la séance font part au Secrétaire général, dans les deux jours ouvrables qui suivent la distribution des comptes rendus, des rectifications qu'ils désirent y voir apporter. Les rectifications demandées sont considérées comme approuvées à moins que le Président n'estime qu'elles sont d'une importance telle qu'il doive les soumettre à l'approbation du Conseil de tutelle.

Art. 48. Les comptes rendus des séances tant publiques que privées pour lesquelles il n'a été demandé aucune correction ou qui en ont subi conformément à l'article 47, sont considérés comme procès-verbaux officiels du Conseil de tutelle. Les procès-verbaux officiels des séances publiques sont publiés aussi rapidement que possible par les soins du

Members of the United Nations and to the specialized agencies referred to in Rule 4.

Rule 49. The official records of private meetings shall be accessible only to the Members of the United Nations, except that the Trusteeship Council may make public the records of any private meeting at such time and under such conditions as it may decide. When such records relate to strategic areas the Administering Authority concerned may request the Trusteeship Council to confine their availability to the Trusteeship and Security Councils.

X. CONDUCT OF BUSINESS

Rule 50. At any meeting of the Trusteeship Council two-thirds of the members shall constitute a quorum.

Rule 51. In addition to exercising the powers which are conferred upon him elsewhere by these rules, the President shall declare the opening and closing of each meeting, direct the discussions, ensure observance of the rules of procedure, accord the right to speak, put questions and announce decisions. Subject to the rules of procedure, he shall have complete control of the proceedings of any meeting. The President, acting under the authority of the Trusteeship Council, shall represent it as an organ of the United Nations.

Rule 52. Whenever the President of the Trusteeship Council deems that for the proper fulfilment of the responsibilities of the presidency he should not preside over the Trusteeship Council during the consideration of a question with which the member he represents is directly connected, and in particular when annual reports and petitions relating to a Trust Territory of which the member he represents is the Administering Authority, are under consideration, he shall indicate his decision to the Trusteeship Council. The presidency shall then devolve for the purpose of the consideration of that question upon the Vice-President.

Rule 53. No representative may address the Trusteeship Council without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak.

Secrétariat, et communiqués aux Etats Membres des Nations Unies et aux institutions spécialisées dont il est fait mention à l'article 4.

Art. 49. Les procès-verbaux des séances privées sont communiqués aux Membres des Nations Unies. Le Conseil de tutelle peut, cependant, publier les procès-verbaux d'une séance privée, au moment et suivant les modalités qu'il décide. Lorsque ces procès-verbaux concernent des zones stratégiques, l'Autorité intéressée, chargée de l'administration, peut requérir le Conseil de tutelle de limiter leur communication au Conseil de tutelle et au Conseil de sécurité.

X. CONDUITE DES DÉBATS

Art. 50. A toutes les réunions du Conseil de tutelle, les deux tiers des membres constituent un quorum.

Art. 51. Outre l'exercice des pouvoirs qui lui sont confiés en vertu d'autres dispositions du présent règlement, le Président prononce l'ouverture et la clôture de chaque séance, dirige les discussions, assure l'application du règlement, donne la parole, met les questions aux voix et proclame les décisions. Il règle entièrement les délibérations de chaque séance conformément au présent règlement. Le Président, sous l'autorité du Conseil de tutelle, représente celui-ci en tant qu'organe des Nations Unies.

Art. 52. Si le Président du Conseil de tutelle estime que, pour s'acquitter comme il convient des devoirs de sa charge, il doit s'abstenir de diriger les débats du Conseil de tutelle lors de l'examen d'une question à l'égard de laquelle le membre qu'il représente se trouve dans une position particulière, et notamment lors de l'examen des rapports annuels et des pétitions concernant un Territoire sous tutelle dont le Membre qu'il représente est l'Autorité administrative, il fait part de sa décision au Conseil de tutelle. La présidence échoit alors, en ce qui concerne ledit examen, au Vice-Président.

Art. 53. Aucun représentant ne peut prendre la parole au Conseil de tutelle sans avoir, au préalable, obtenu l'autorisation du Président. Le Président donne la parole aux orateurs dans l'ordre où ils l'ont demandée. Cependant le Président

The chairman of a subsidiary body, or a rapporteur, or the Secretary-General, however, may be accorded precedence. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 54. During the discussion of any matter, a representative may rise to a point of order and the point of order shall be immediately decided by the President, in accordance with the rules of procedure.

Rule 55. A representative may appeal from any ruling of the President. The appeal shall be put to the vote without discussion.

Rule 56.—1. The following motions shall have precedence in the order named over all resolutions or other motions relative to the subject before the meeting:

- (a) to suspend the meeting;
- (b) to adjourn the meeting;
- (c) to adjourn the meeting to a certain day or hour;
- (d) for the closure of the debate on any motion or draft resolution, including amendments thereto, or on any amendment or amendments to a motion or draft resolution;
- (e) to limit the time allowed to each speaker;
- (f) to refer any matter to a committee, to the Secretary-General or to a rapporteur;
- (g) to postpone discussion of the question to a certain day or indefinitely; or
- (h) to amend.

2. Any motion for the suspension or for the simple adjournment of a meeting shall be decided without debate.

3. A motion for closure of debate on a resolution or other motion shall not be considered by the Trusteeship Council until each representative shall have had the opportunity to speak on that resolution or other motion. Debate on a motion for closure of debate shall be limited to one speaker for each side.

Rule 57. Reports, resolutions and other substantive motions or amendments shall be introduced in writing and handed to the Secretary-General. The Secretary-General shall, to the extent possible, circulate copies to the representatives twenty-four hours in advance of the meeting at which they are to be considered. The Trusteeship Council may decide to postpone the consideration of

d'un organe subsidiaire, ou un rapporteur, ou le Secrétaire général, peuvent bénéficier d'un tour de priorité. Le Président peut rappeler à l'ordre l'orateur dont les remarques n'ont pas trait au sujet en discussion.

Art. 54. Au cours de la discussion d'une question, un représentant peut soulever une motion d'ordre et le Président prend immédiatement une décision conformément au règlement.

Art. 55. Un représentant peut en appeler de toute décision du Président. L'appel est mis aux voix sans autre discussion.

Art. 56.—1. Les motions suivantes ont priorité, dans l'ordre dans lequel elles sont énumérées, sur toutes les résolutions ou autres motions concernant l'objet en discussion à la séance:

- a) Suspendre la séance;
- b) Ajourner la séance;
- c) Ajourner la séance à une certaine date ou heure;
- d) Clore les débats sur une motion ou un projet de résolution comportant des amendements à cette motion, ou sur un ou plusieurs amendements à une motion ou à un projet de résolution;
- e) Limiter le temps de parole de chaque orateur;
- f) Renvoyer toute question à une commission, au Secrétaire général ou à un rapporteur;
- g) Remettre la discussion d'une question à un certain jour, ou à une date indéterminée;
- h) Proposer un amendement.

2. La décision sur toute motion proposant la suspension ou le simple ajournement d'une séance est prise sans débat.

3. Une motion de clôture d'un débat sur une résolution ou une autre motion n'est examinée par le Conseil de tutelle que lorsque chaque représentant a eu la possibilité de prendre la parole au sujet de cette résolution ou motion. Le débat sur une motion de clôture d'un débat est limité à un orateur pour et un orateur contre.

Art. 57. Les rapports, les projets de résolution, les propositions ou amendements de fond sont remis par écrit au Secrétaire général. Le Secrétaire général dans la mesure du possible, communique des exemplaires aux représentants vingt-quatre heures avant la séance au cours de laquelle ils seront examinés. Le Conseil de tutelle peut décider de renvoyer l'examen des projets de résolution et des

resolutions and other substantive motions or amendments, the copies of which have not been circulated twenty-four hours in advance.

Rule 58. Resolutions and other motions or amendments proposed by representatives of members on the Trusteeship Council may be put to the vote without having been seconded.

Rule 59.—1. Resolutions, motions or amendments may be withdrawn by the representative who introduced them at any time prior to the vote.

2. In a case where a representative withdraws a resolution, motion or amendment prior to the vote, any other representative on the Trusteeship Council may require that it be put to the vote as his resolution, motion or amendment under the same conditions as if the original mover had not withdrawn it.

Rule 60. Parts of a report, resolution, other motion or amendment may be voted on separately at the request of a representative and subject to the will of the Trusteeship Council. The proposal shall then be voted on as a whole.

Rule 61. A proposal to add to or delete from or otherwise revise a part of a resolution or a motion shall be considered as an amendment. An amendment shall be voted on first and if it is adopted, the amended resolution or motion shall then be voted on.

Rule 62. If two or more amendments are moved to a resolution or another motion, the President shall first put to the vote the amendment furthest removed in substance from the resolution or motion and then the amendment next furthest removed, and so on, until all the amendments have been voted upon or an amendment has been approved which, in the opinion of the Trusteeship Council, makes voting on the remaining amendments unnecessary.

Rule 63. If two or more resolutions or other motions relating to an original proposal are introduced, the President shall first put to the vote the resolution or motion furthest removed in substance from the original proposal. If that resolution or motion is rejected, the President shall put to the vote the resolution or motion next furthest re-

autres propositions ou amendements de fond dont les exemplaires n'ont pas été communiqués vingt-quatre heures à l'avance.

Art. 58. Les projets de résolution et les autres propositions ou amendements présentés par des représentants au Conseil de tutelle peuvent être mis aux voix sans avoir été appuyés.

Art. 59.—1. Les résolutions, motions ou amendements peuvent être retirés à tout moment avant le vote, par le représentant qui les avait proposés.

2. Lorsqu'un représentant retire une résolution, motion ou amendement, avant le vote, tout autre représentant siégeant au Conseil de tutelle peut exiger qu'un vote soit pris sur la résolution, motion ou amendement dans les mêmes conditions que si celui qui avait fait la proposition ne l'avait pas retirée.

Art. 60. A la demande d'un représentant, et avec l'approbation du Conseil de tutelle, le Conseil peut voter séparément sur toute partie d'un rapport, d'un projet de résolution ou de toute autre proposition ou amendement. La proposition est ensuite mise aux voix dans son ensemble.

Art. 61. Toute proposition comportant une addition, une suppression ou une révision quelconque intéressant une partie de résolution ou de proposition est considérée comme un amendement. On vote d'abord sur cet amendement, puis, s'il est adopté, sur la proposition amendée.

Art. 62. Si deux ou plusieurs amendements à un projet de résolution ou à une autre proposition sont en présence, le Président met d'abord aux voix l'amendement qui s'éloigne le plus, quant au fond, du projet de résolution ou de la proposition primitive. Il fait ensuite voter sur l'amendement qui, après celui-ci, s'éloigne le plus dudit projet de résolution ou de ladite proposition, et ainsi de suite, jusqu'à ce que tous les amendements aient été mis aux voix ou que l'on ait adopté un amendement qui, de l'avis du Conseil de tutelle, rende inutile un scrutin sur les amendements restants.

Art. 63. Si deux ou plusieurs projets de résolution ou autres propositions se rapportant à une proposition primitive sont en présence, le Président met d'abord aux voix le projet de résolution ou la proposition qui s'éloigne le plus, quant au fond, de la proposition primitive. Si cette résolution ou cette proposition est repoussée, le Président met aux voix la

moved, and so on, until either all the resolutions or motions have been put to a vote or one or more of them has been adopted, which in the opinion of the Trusteeship Council makes voting on the remaining proposals unnecessary.

Rule 64. A statement of minority views may be appended to a report or recommendation of the Trusteeship Council at the request of any member.

Rule 65. No resolution involving expenditure from United Nations funds shall be approved by the Trusteeship Council unless the Trusteeship Council has before it a report from the Secretary-General on the financial implications of the proposal, together with an estimate of the costs involved in the specific proposal.

XI. COMMITTEES AND RAPPORTEURS

Rule 66. The Trusteeship Council may set up such committees as it deems necessary, define their composition and their terms of reference, and refer to them any questions on the agenda for study and report. The committees may be authorized to sit while the Trusteeship Council is not in session.

Rule 67. The procedure set forth in Rules 28 to 31, 36 to 38, and 51 to 63 inclusive, shall apply to proceedings of committees of the Trusteeship Council. The committees may decide upon the form of the records and adopt such other rules of procedure as may be necessary.

XII. QUESTIONNAIRES

Rule 68. Upon the coming into effect of each Trusteeship agreement, the Trusteeship Council shall transmit to the Administering Authority concerned, through the Secretary-General, such questionnaire as it shall have formulated, in accordance with Article 88 of the Charter, on the political, economic, social and educational advancement of the inhabitants of the Trust Territory involved.

Rule 69. The Trusteeship Council may modify the questionnaires at its discretion.

Rule 70. When, in accordance with Article 91 of the Charter, the Trusteeship

résolution ou la proposition qui, après celle-ci, s'éloigne le plus de ladite proposition primitive, et ainsi de suite, jusqu'à ce que tous les projets de résolution ou propositions aient été mis aux voix ou que l'on en ait adopté un ou plusieurs qui, de l'avis du Conseil de tutelle, rendent inutile un scrutin sur les propositions restantes.

Art. 64. Si un membre en fait la demande, un exposé de l'opinion de la minorité peut être joint à un rapport ou à une recommandation du Conseil de tutelle.

Art. 65. Aucune résolution entraînant des dépenses imputables sur les fonds des Nations Unies ne recevra l'approbation du Conseil de tutelle si celui-ci n'a été préalablement saisi d'un rapport du Secrétaire général sur l'incidence financière de la proposition, ainsi que d'une prévision des dépenses qu'entraînerait la proposition en question.

XI. COMMISSIONS ET RAPPORTEURS

Art. 66. Le Conseil de tutelle peut constituer les Commissions qu'il juge nécessaires, définir leur composition et leur renvoyer, aux fins d'étude et de rapport, toutes questions figurant à l'ordre du jour. Le Conseil de tutelle peut autoriser ses Commissions à siéger alors que lui-même n'est pas en session.

Art. 67. Les dispositions prévues aux articles 28 à 31, 36 à 38 et aux articles 51 à 63 inclus s'appliquent aux débats des Commissions du Conseil de tutelle. Les Commissions peuvent fixer la forme à donner au compte rendu de leurs séances, ou compléter leur règlement intérieur par tout nouvel article qui leur semblera nécessaire.

XII. QUESTIONNAIRES

Art. 68. Au moment où un Accord de tutelle entre en vigueur, le Conseil de tutelle transmet à l'Autorité intéressée chargée de l'administration, par l'intermédiaire du Secrétaire général, le Questionnaire qu'il a établi, conformément à l'Article 88 de la Charte, sur le progrès politique, économique, social et de l'éducation des habitants du Territoire sous tutelle intéressé.

Art. 69. Le Conseil du tutelle pourra modifier les Questionnaires comme il le jugera nécessaire.

Art. 70. Lorsque, conformément à l'Article 91 de la Charte, le Conseil estime

Council considers it appropriate to avail itself of the assistance of the Economic and Social Council or of any specialized agency in the preparation of questionnaires, the President of the Trusteeship Council shall transmit through the Secretary-General to the Economic and Social Council or to the specialized agency concerned those sections of the questionnaires with regard to which its advice may be desired.

Rule 71.—1. The questionnaire shall be communicated to each Administering Authority at least six months before the expiration of the year covered by the first annual report, and shall remain in force, without specific renewal, from year to year.

2. Any subsequent modifications shall be communicated to the Administering Authority concerned at least six months before the date fixed for the presentation of the first annual report which is to be based on the modified questionnaire.

XIII. ANNUAL REPORTS OF ADMINISTERING AUTHORITIES

Rule 72.—1. The annual report of an Administering Authority prepared on the basis of the questionnaire formulated by the Trusteeship Council shall be submitted to the Secretary-General within six months from the termination of the year to which it refers.

2. Each report of an Administering Authority shall be considered by the Trusteeship Council at the first regular session following the expiration of six weeks from the receipt of the report by the Secretary-General.

3. The Secretary-General shall transmit these reports without delay to the members of the Trusteeship Council.

Rule 73. The Administering Authorities shall furnish to the Secretary-General four hundred copies of each report for a Trust Territory. Copies of each such report shall at the same time be sent directly by the Administering Authority to the members of the Trusteeship Council as a means of expediting the work of the Council.

XIV. EXAMINATION OF ANNUAL REPORTS

Rule 74. In the examination of all annual reports the Administering Au-

opportun de recourir à l'assistance du Conseil économique et social et des institutions spécialisées, pour la préparation des Questionnaires, le Président du Conseil de tutelle transmet, par l'entremise du Secrétaire général, au Conseil économique et social ou à une institution spécialisée, les parties des Questionnaires au sujet desquelles il désire avoir leur avis.

Art. 71.—1. Le Questionnaire est communiqué à chaque Autorité chargée de l'administration au moins six mois avant l'expiration de l'année que couvre ce premier rapport annuel, et reste en vigueur sans reconduction expresse d'année en année.

2. Toute modification ultérieure est communiquée à l'Autorité chargée de l'administration au moins six mois avant la date fixée pour la présentation du premier rapport annuel qui doit être basé sur le Questionnaire modifié.

XIII. RAPPORTS ANNUELS DES AUTORITÉS CHARGÉES DE L'ADMINISTRATION

Art. 72.—1. Le rapport annuel établi par l'Autorité chargée de l'administration sur la base du Questionnaire établi par le Conseil de tutelle est soumis au Secrétaire général dans les six mois qui suivent la clôture de l'exercice auquel il se rapporte.

2. Chaque rapport d'une Autorité chargée de l'administration est étudié par le Conseil de tutelle à la première session ordinaire qui suit l'expiration d'un délai de six semaines à dater de la réception de ce rapport par le Secrétaire général.

3. Le Secrétaire général transmet sans délai ces rapports aux membres du Conseil de tutelle.

Art. 73. Les Autorités chargées de l'administration fournissent au Secrétaire général 400 exemplaires de chaque rapport concernant un Territoire sous tutelle. Des exemplaires de chaque rapport sont envoyés en même temps par l'Autorité chargée de l'administration directement aux membres du Conseil de tutelle, en vue de faciliter le travail du Conseil.

XIV. EXAMEN DES RAPPORTS ANNUELS

Art. 74. Au cours de l'examen de tous les rapports, l'Autorité chargée de l'ad-

thority concerned shall be entitled to designate and to have present a special representative who should be well informed on the territory involved.

Rule 75. The special representative of the Administering Authority may participate without vote in the examination and discussion of a report, except in a discussion directed to specific conclusions concerning it.

XV. PETITIONS

Rule 76. Petitions may be accepted and examined by the Trusteeship Council if they concern the affairs of one or more Trust Territories or the operation of the International Trusteeship System as laid down in the Charter, except that with respect to petitions relating to a strategic area the functions of the Trusteeship Council shall be governed by Article 83 of the Charter and the terms of the relevant Trusteeship agreements.

Rule 77. Petitioners may be inhabitants of Trust Territories or other parties.

Rule 78. Petitions may be presented in writing in accordance with Rules 79 to 86, or orally in accordance with Rules 87 to 91.

Rule 79. A written petition may be in the form of a letter, telegram, memorandum or other document concerning the affairs of one or more Trust Territories or the operation of the International Trusteeship System as laid down in the Charter.

Rule 80. The Trusteeship Council may hear oral presentations in support or elaboration of a previously submitted written petition. Oral presentations shall be confined to the subject-matter of the petition as stated in writing by the petitioners. The Trusteeship Council, in exceptional cases, may also hear orally petitions which have not been previously submitted in writing, provided that the Trusteeship Council and the Administering Authority concerned have been previously informed with regard to their subject-matter.

Rule 80 bis. The President of the Council shall be authorized between sessions of the Council, through the Secretary-General, to inform any peti-

ministration peut désigner et faire assister à la séance un représentant particulièrement au courant des affaires du Territoire dont il est question.

Art. 75. Le représentant de l'Autorité chargée de l'administration peut participer, sans droit de vote, à l'examen et à la discussion du rapport, sauf lorsque la discussion porte sur des conclusions particulières visant le rapport.

XV. PÉTITIONS

Art. 76. Le Conseil de tutelle peut recevoir et examiner les pétitions qui concernent les affaires d'un ou plusieurs Territoires sous tutelle ou le fonctionnement du régime international de tutelle, tel qu'il est établi dans la Charte, sauf que pour les pétitions relatives à une zone stratégique, les fonctions du Conseil de tutelle seront régies par l'Article 83 de la Charte et les termes de l'Accord de tutelle qui la concerne.

Art. 77. Les pétitions peuvent provenir d'habitants de Territoires sous tutelle, ou de tiers.

Art. 78. Les pétitions peuvent être présentées par écrit dans les conditions prévues aux articles 79 à 86, ou oralement dans les conditions prévues aux articles 87 à 91.

Art. 79. Une pétition écrite peut être présentée sous la forme d'une lettre, d'un télégramme, d'un memorandum ou de tout autre document qui concerne les affaires d'un ou plusieurs Territoires sous tutelle, ou le fonctionnement du régime international de la tutelle, tel qu'il est établi dans la Charte.

Art. 80. Le Conseil de tutelle peut entendre des exposés oraux destinés à appuyer ou développer une pétition préalablement soumise par écrit.

Les exposés oraux seront limités à l'objet de la pétition telle qu'elle a été rédigée par les pétitionnaires.

Dans des cas exceptionnels, le Conseil de tutelle peut également entendre des pétitions présentées oralement, même si elles n'ont pas été précédées d'une requête écrite. En pareil cas, le Conseil de tutelle et l'Autorité chargée de l'administration doivent avoir été d'abord informés de l'objet de la pétition.

Art. 80 bis. Lorsqu'un pétitionnaire demande à présenter, conformément à l'article 80, un exposé oral ou une pétition orale, le Président est autorisé, entre les

tioner who requests an opportunity for an oral presentation or petition under Rule 80, that the Council will grant him a hearing at such time and place as the President may name. Before communicating such information to the petitioner, the President shall enquire of the Administering Authority or Authorities concerned as to whether there are substantial reasons why the matter should first be discussed in the Council. If the Administering Authority is of the opinion that such substantial reasons exist, the President shall defer action until the matter has been decided by the Council.

Rule 81. Normally petitions shall be considered inadmissible if they are directed against judgments of competent courts of the Administering Authority or if they lay before the Council a dispute with which the courts have competence to deal. This rule shall not be interpreted so as to prevent consideration by the Trusteeship Council of petitions against legislation on the grounds of its incompatibility with the provisions of the Charter of the United Nations or of the Trusteeship agreement, irrespective of whether decisions on cases arising under such legislation have previously been given by the courts of the Administering Authority.

Rule 82. Written petitions may be addressed directly to the Secretary-General or may be transmitted to him through the Administering Authority.

Rule 83. Written petitions submitted to the Administering Authority for transmission shall be communicated promptly to the Secretary-General, with or without comments by the Administering Authority, at its discretion, or with an indication that such comments will follow in due course.

Rule 84. Representatives of the Trusteeship Council engaged in periodic visits to Trust Territories or on other official missions authorized by the Council, may accept written petitions, subject to such instructions as may have been received from the Trusteeship Council. Petitions of this kind shall be transmitted promptly to the Secretary-General for circulation to the members of the Council. A copy of each such petition shall be communicated

sessions du Conseil, à l'informer, par l'intermédiaire du Secrétaire général, que le Conseil l'entendra à la date et au lieu déterminés par le Président. Avant de porter cette information à la connaissance du pétitionnaire, le Président s'enquerra auprès de l'autorité ou des autorités chargées de l'administration du territoire intéressé, s'il y a des raisons substantielles pour lesquelles la question devrait être préalablement discutée au sein du Conseil. Si l'autorité chargée de l'administration est d'avis que ces raisons substantielles existent, le Président remettra toute décision jusqu'à ce que la question ait été tranchée par le Conseil.

Art. 81. Normalement les pétitions doivent être considérées comme irrecevables si elles sont dirigées contre des jugements rendus par les tribunaux compétents de l'Autorité chargée de l'administration, ou si elles soumettent au Conseil un différend pour lequel les tribunaux sont compétents.

Cette règle ne doit pas être interprétée comme pouvant faire obstacle à la prise en considération par le Conseil de tutelle de pétitions dirigées contre la législation pour cause d'incompatibilité de celle-ci avec les stipulations de la Charte des Nations Unies ou de l'Accord de tutelle, qu'il y ait ou non décision antérieure des tribunaux de l'Autorité chargée de l'administration, dans des cas d'espèce relevant de la législation en question.

Art. 82. Les pétitions écrites peuvent être adressées directement au Secrétaire général ou lui être transmises par l'intermédiaire de l'Autorité chargée de l'administration.

Art. 83. Les pétitions écrites, adressées pour transmission à l'Autorité chargée de l'administration, sont, par elle, communiquées sans délai au Secrétaire général; elle peut, à son gré, y joindre ou non ses commentaires ou faire savoir que des commentaires seront envoyés en temps utile.

Art. 84. Au cours des visites périodiques dans les Territoires sous tutelle ou au cours d'autres missions officielles qui seraient autorisées par le Conseil, les délégués du Conseil de tutelle peuvent recevoir des pétitions écrites dans les conditions prévues par les instructions qu'ils ont éventuellement reçues du Conseil de tutelle.

Les pétitions de cette espèce doivent être transmises sans délai au Secrétaire

to the competent local authority. Any observations which the visiting representatives may wish to make on the petitions, after consultation with the local representative of the Administering Authority, shall be submitted to the Trusteeship Council.

Rule 85. The Secretary-General shall circulate promptly to the members of the Trusteeship Council all written petitions received by him, except those which are manifestly inconsequential, a list of which, with a summary of their contents, shall be communicated to the members of the Trusteeship Council. The original documents shall be made available to the Trusteeship Council for final disposition.

With respect to petitions relating to a strategic area, the functions of the Trusteeship Council shall be governed by Article 83 of the Charter and the terms of the relevant Trusteeship Agreement.

Rule 86.—1. Written petitions will normally be placed on the agenda of a regular session provided that they shall have been received by the Administering Authority concerned either directly or through the Secretary-General at least two months before the date of the next following regular session.

2. Any observations on petitions which the Administering Authority desires to have circulated to members of the Trusteeship Council should, wherever possible, be transmitted to the Secretary-General not less than fourteen days before the opening of the session at which such petitions will be considered.

3. The date of receipt of a petition shall be considered as being:

(a) in respect of a petition which is presented through the Administering Authority, the date on which the petition is received by the competent local authority in the territory or the metropolitan Government of the Administering Authority, as the case may be, and

(b) in respect of a petition not presented through the Administering Authority, the date on which the petition is received by the Administering Authority through the Secretary-General. The Ad-

général pour distribution aux membres du Conseil. Une copie de chacune de ces pétitions est communiquée à l'autorité locale compétente. Toutes observations que les délégués en visite désireraient faire à propos de ces pétitions après consultation du représentant local de l'Autorité chargée de l'administration, doivent être soumises au Conseil de tutelle.

Art. 85. Le Secrétaire général fait distribuer, sans délai, à tous les membres du Conseil de tutelle, toutes les pétitions écrites qu'il a reçues à l'exception de celles qui sont manifestement déraisonnables. En ce qui concerne ces dernières, une liste, comprenant un résumé de l'objet de chaque pétition, sera communiquée aux membres du Conseil de tutelle. Les documents originaux seront mis à la disposition du Conseil de tutelle pour disposition finale.

Quant aux pétitions relatives à une zone stratégique, les fonctions du Conseil de tutelle sont régies par l'Article 83 de la Charte et les termes de l'Accord de tutelle de la zone en question.

Art. 86. Les pétitions écrites sont normalement portées à l'ordre du jour d'une session régulière, à condition qu'elles aient été reçues par l'Autorité chargée de l'administration directement ou par l'intermédiaire du Secrétaire général au plus tard deux mois avant la date de cette session.

Lorsque l'Autorité chargée de l'administration désire que des observations concernant les pétitions soient communiquées aux membres du Conseil de tutelle, ces observations doivent, dans la mesure du possible, être transmises au Secrétaire général au moins quatorze jours avant l'ouverture de la session à laquelle ces pétitions seront examinées.

La date de réception des pétitions est considérée comme étant la suivante:

a) En ce qui concerne les pétitions présentées par l'intermédiaire de l'Autorité chargée de l'administration, la date à laquelle la pétition est reçue par l'autorité locale compétente dans le territoire ou, suivant le cas, par le Gouvernement métropolitain de l'Autorité chargée de l'administration.

b) En ce qui concerne les pétitions qui ne sont pas présentées par l'intermédiaire de l'Autorité chargée de l'administration, la date à laquelle la pétition est reçue par l'Autorité chargée de l'administration par

ministering Authority concerned shall immediately notify the Secretary-General of the date of receipt of all such petitions.

4. In cases where the Administering Authority may be prepared to consider a written petition at shorter notice than is prescribed by the foregoing rules, or where, in exceptional cases, as a matter of urgency, it may be so decided by the Trusteeship Council in consultation with the Administering Authority concerned, such written petition may be placed on the agenda of a regular session notwithstanding that it has been presented after the due date, or it may be placed on the agenda of a special session.

Rule 87. Requests to present petitions orally or to make oral presentations in support or elaboration of written petitions, in accordance with Rule 80, may be addressed directly to the Secretary-General or may be transmitted to him through the Administering Authority. In the latter case the Administering Authority concerned shall communicate such requests promptly to the Secretary-General.

Rule 88. The Secretary-General shall promptly notify the members of the Trusteeship Council of all requests for oral petitions or oral presentations received by him, except for petitions relating to a strategic area with respect to which the functions of the Trusteeship Council shall be governed by Article 83 of the Charter and the terms of the relevant Trusteeship agreement.

Rule 89. Representatives of the Trusteeship Council engaged in periodic visits to Trust Territories or on other official missions authorized by the Council may receive oral presentations or petitions, subject to such instructions as may have been received from the Trusteeship Council. Such oral presentations or petitions shall be recorded by the visiting mission, and the record shall be transmitted promptly to the Secretary-General for circulation to the members of the Council and to the Administering Authority for comment. A copy of each such record shall be communicated to the competent local authority. Any observations which the visiting representatives may wish to make on the oral presentations or petitions, after consultation with the local

l'intermédiaire du Secrétaire général. L'Autorité chargée de l'administration avisera immédiatement le Secrétaire général de la date de réception de ces pétitions.

Dans le cas où l'Autorité chargée de l'administration est prête à examiner une pétition écrite dans un délai moindre que celui prévu aux articles ci-dessus, ainsi que dans cas exceptionnels où, vu l'urgence, le Conseil de tutelle en aurait ainsi décidé après avoir consulté l'Autorité chargée de l'administration, une pétition écrite peut être portée à l'ordre du jour d'une session ordinaire nonobstant le fait qu'elle ait été présentée après la date réglementaire; elle peut, dans les mêmes conditions, être portée à l'ordre du jour d'une session spéciale.

Art. 87. Les requêtes aux fins de présentation de pétitions orales ou d'audition d'un exposé oral destiné à appuyer ou développer une pétition écrite conformément à l'article 80, sont présentées au Secrétaire général soit directement, soit par l'intermédiaire de l'Autorité chargée de l'administration.

Dans ce second cas, l'Autorité chargée de l'administration communique la requête sans délai au Secrétaire général.

Art. 88. Le Secrétaire général notifiera sans délai aux membres du Conseil de tutelle, toutes les requêtes qu'il aura reçues aux fins de présentation de pétitions orales ou d'exposés oraux, sauf pour les pétitions relatives à une zone stratégique au sujet de laquelle les fonctions du Conseil de tutelle sont régies par l'Article 83 de la Charte et les termes de l'Accord de tutelle qui la concerne.

Art. 89. Au cours des visites périodiques dans les Territoires sous tutelle ou au cours de telles autres missions officielles qui seraient autorisées par le Conseil, les délégués du Conseil de tutelle peuvent entendre des pétitions orales ou des exposés oraux dans les conditions prévues par les instructions qu'ils ont éventuellement reçues du Conseil de tutelle à cet effet.

Ces exposés oraux ou ces pétitions sont enregistrés par la mission en visite et les procès-verbaux sont transmis, sans délai, au Secrétaire général qui les communiquera aux membres du Conseil ainsi qu'à l'Autorité chargée de l'administration, pour commentaires. Une copie de chacune de ces pétitions est communiquée à l'autorité locale compétente.

representative of the Administering Authority, shall be submitted to the Trusteeship Council.

Rule 90. The Trusteeship Council, at the beginning of each session which includes the consideration of petitions on its agenda, may appoint an *ad hoc* committee on petitions whose membership shall be evenly divided between representatives of members administering Trust Territories and representatives of members having no administering responsibilities. The *ad hoc* committee on petitions shall be empowered to undertake a preliminary examination of the petitions on the agenda. No appraisal of the substance of the petitions shall be made by the *ad hoc* committee.

Rule 91. The Trusteeship Council may designate one or more of its representatives to accept oral petitions the subject-matter of which has been previously communicated to the Trusteeship Council and to the Administering Authority concerned. Oral petitions and oral presentations may be examined either in public or in private, as may be determined, in accordance with Rule 44.

Rule 92. In the examination of all petitions the Administering Authority concerned shall be entitled to designate and to have present a special representative who should be well informed on the territory involved.

Rule 93. The Secretary-General shall inform the Administering Authorities and the petitioners concerned of the actions taken by the Trusteeship Council on each petition, and shall transmit to them the official records of the public meetings at which the petitions were examined.

XVI. VISITS TO TRUST TERRITORIES

Rule 94. The Trusteeship Council, in accordance with the provisions of Article 87 (c) and Article 83, paragraph 3, of the Charter, as the case may be, and with the terms of the respective Trusteeship agreements, shall make provision for periodic visits to each Trust Territory with a view to achieving the basic objectives of the International Trusteeship System.

Rule 95. The Trusteeship Council,

Toutes observations que les délégués en visite désireraient faire à propos de ces pétitions après consultation du représentant local de l'Autorité chargée de l'administration, doivent être soumises au Conseil de tutelle.

Art. 90. Au début de toute session où l'examen de pétitions est porté à son ordre du jour, le Conseil de tutelle peut constituer un Comité *ad hoc* pour les pétitions. Ce Comité est composé d'un nombre égal de délégués de membres administrant des Territoires sous tutelle et de membres n'ayant pas de responsabilités d'administration. Le Comité *ad hoc* pour les pétitions a compétence pour procéder à un examen préliminaire des pétitions portées à l'ordre du jour. Le Comité *ad hoc* n'émet pas d'avis sur la substance des pétitions.

Art. 91. Le Conseil de tutelle peut désigner un ou plusieurs de ses membres pour recevoir les pétitions orales dont l'objet a été auparavant porté à la connaissance du Conseil de tutelle et de l'Autorité intéressée chargée de l'administration. Les pétitions orales et les exposés oraux peuvent être examinés en séance publique ou privée, comme il en sera décidé conformément à l'article 44.

Art. 92. Au cours de l'examen de toutes les pétitions, l'Autorité chargée de l'administration peut désigner et faire assister à la séance un représentant particulièrement au courant des affaires du Territoire dont il est question.

Art. 93. Le Secrétaire général doit informer les Autorités chargées de l'administration et les pétitionnaires intéressés de la suite donnée à la pétition par le Conseil de tutelle.

Il leur transmet les procès-verbaux officiels des séances publiques où les pétitions ont été examinées.

XVI. VISITES DANS LES TERRITOIRES SOUS TUTELLE

Art. 94. Le Conseil de tutelle, conformément aux stipulations des articles 87 c. et 83, alinéa 3., de la Charte, suivant le cas, et conformément aux termes des Accords de tutelle respectifs, organise des visites périodiques dans chacun des Territoires sous tutelle, en vue de réaliser les fins essentielles du régime international de tutelle.

Art. 95. Agissant conformément aux

acting in conformity with the terms of the respective Trusteeship agreements, shall define the terms of reference of each visiting mission and shall issue to each mission such special instructions as it may consider appropriate.

Rule 96. The Trusteeship Council shall select the members of each visiting mission who shall preferably be one or more of the representatives on the Council. Each mission may be assisted by experts and by representatives of the local administration. A mission and the individual members thereof shall, while engaged in a visit, act only on the basis of the instructions of the Council and shall be responsible exclusively to it.

Rule 97. The Trusteeship Council may, in agreement with the Administering Authority, conduct special investigations or enquiries when it considers that conditions in a Trust Territory make such action desirable.

Rule 98. All expenses of periodic visits, special investigations and enquiries, including the travel expenses of the visiting missions, shall be borne by the United Nations.

Rule 99. Each visiting mission shall transmit to the Trusteeship Council a report on its visit, a copy of which shall be promptly and, as a general rule, simultaneously transmitted to the Administering Authority and to each other member of the Trusteeship Council by the Secretary-General. The mission may authorize the Secretary-General to release its report in such form and at such date as it may deem appropriate. The report and the decisions or observations of the Council with respect to each such report, as well as the comments made by the Administering Authority concerned, may be published in such form and at such date as the Council may determine.

XVII. REPORTS OF THE TRUSTEESHIP COUNCIL

Rule 100. The Trusteeship Council shall present annually to the General Assembly a general report on its activities and on the discharge of its responsibilities under the International Trusteeship System. Each such report shall include an annual review of the conditions in each Trust Territory.

termes des Accords de tutelle respectifs, le Conseil de tutelle détermine le mandat de chaque mission de visite et donne à cette mission toutes instructions spéciales qu'il juge appropriées.

Art. 96. Le Conseil de tutelle désigne les membres de chaque mission de visite, de préférence un ou plusieurs représentantsséant au Conseil. Chaque mission peut être assistée d'experts et de représentants de l'administration locale. Au cours d'une visite, la mission et chacun de ses membres individuellement agissent sur la base des seules instructions du Conseil, et sont responsables exclusivement envers lui.

Art. 97. Le Conseil de tutelle, en accord avec l'Autorité chargée de l'administration, peut procéder à des enquêtes spéciales ou à des études lorsqu'il considère que les conditions régnant dans le Territoire sous tutelle rendent désirable une telle action.

Art. 98. Tous les frais qu'entraîneront les visites périodiques, les enquêtes et études spéciales, y compris les frais de voyage des missions de visite, seront à la charge des Nations Unies.

Art. 99. Toute mission de visite transmet au Conseil de tutelle un rapport sur sa visite; une copie de ce rapport est transmise, sans délai, et en règle générale, simultanément, par le Secrétaire général, à l'Autorité chargée de l'administration, et à chacun des autres membres du Conseil. La mission peut autoriser le Secrétaire général à communiquer le rapport à la presse, sous la forme et à la date qu'elle jugera convenables. Le rapport et les décisions ou observations du Conseil à son sujet, ainsi que les observations faites sur ce rapport par l'autorité chargée de l'administration du territoire intéressé, peuvent être publiés sous la forme et à la date que le Conseil peut déterminer.

XVII. RAPPORTS DU CONSEIL DE TUTELLE

Art. 100. Le Conseil de tutelle présente chaque année à l'Assemblée générale un rapport d'ensemble sur son activité et sur la façon dont il s'est acquitté des responsabilités qui lui incombent en vertu du régime international de tutelle. Ce rapport comporte une revue annuelle de la situation de chaque Territoire sous tutelle.

Rule 101.—1. The sections of the general reports of the Trusteeship Council to the General Assembly relating to conditions in specific Trust Territories, referred to in Rule 100, shall take into account the annual reports of the Administering Authorities, and such other sources of information as may be available, including petitions, reports of visiting missions, and any special investigations or enquiries, as provided for in Rule 97.

2. The general reports shall include, as appropriate, the conclusions of the Trusteeship Council regarding the execution and interpretation of the provisions of Chapters XII and XIII of the Charter and of the Trusteeship agreements, and such suggestions and recommendations concerning each Trust Territory as the Council may decide.

Rule 102. The reports of the Trusteeship Council to the General Assembly provided for in Rules 100 and 101 shall be transmitted through the Secretary-General at least thirty days before the opening of the regular session of the General Assembly.

Rule 103. The Trusteeship Council may designate the President, the Vice-President or another of its members to represent it during the consideration of its reports by the General Assembly.

XVIII. OTHER FUNCTIONS

Rule 104. The Trusteeship Council shall perform such other functions as may be provided for in the Trusteeship agreements, and, in pursuance of the duty imposed upon it by Article 85 of the Charter, may submit to the General Assembly recommendations concerning the functions of the United Nations with regard to Trusteeship agreements, including the approval of the terms of the Trusteeship agreements and of their alteration or amendment. With regard to strategic areas, the Trusteeship Council may similarly perform such functions in so far as it may be requested to do so by the Security Council.

XIX. RELATIONSHIP WITH OTHER BODIES

Rule 105.—1. The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council, of the specialized agencies and of

Art. 101.—1. Les chapitres des rapports d'ensemble du Conseil de tutelle à l'Assemblée générale concernant la situation de chaque Territoire sous tutelle, visée à l'article 100, sont établis sur la base des rapports annuels de l'Autorité chargée de l'administration et de toutes autres sources d'information disponibles, y compris les pétitions, les rapports des missions de visite et les enquêtes spéciales prévues à l'article 97.

2. Les rapports d'ensemble comportent, s'il y a lieu, les conclusions du Conseil de tutelle touchant l'exécution et l'interprétation des dispositions des Chapitres XII et XIII de la Charte et des Accords de tutelle, ainsi que les suggestions et recommandations que le Conseil peut adopter relativement à chacun des Territoires sous tutelle.

Art. 102. Les rapports du Conseil de tutelle à l'Assemblée générale, visés aux articles 100 et 101, sont transmis par l'intermédiaire du Secrétaire général au plus tard 30 jours avant l'ouverture de la session ordinaire de l'Assemblée générale.

Art. 103. Le Conseil peut désigner son Président, son Vice-Président ou l'un quelconque de ses membres pour le représenter lors de l'examen de ses rapports par l'Assemblée générale.

XVIII. AUTRES FONCTIONS

Art. 104. Le Conseil de tutelle s'acquitte des autres fonctions prévues dans les Accords de tutelle et, conformément aux obligations qui lui incombent en vertu de l'Article 85 de la Charte, peut soumettre des recommandations à l'Assemblée générale quant aux fonctions des Nations Unies relatives aux Accords de tutelle, y compris l'approbation des termes des Accords de tutelle, et de leur modification ou amendement. En ce qui concerne les zones stratégiques, le Conseil de tutelle peut remplir des fonctions semblables dans la mesure où il en est requis par le Conseil de sécurité.

XIX. RELATIONS AVEC D'AUTRES ORGANISMES

Art. 105.—1. Le Conseil de tutelle recourt, quand il y a lieu, à l'assistance du Conseil économique et social, des institutions spécialisées et des organismes

appropriate intergovernmental regional bodies which may be separately established, relating to matters with which they may be concerned.

2. The Secretary-General shall promptly communicate to these bodies the annual reports of the Administering Authorities and such reports and other documents of the Trusteeship Council as may be of special concern to them.

XX. SUSPENSION OF RULES

Rule 106. When the Trusteeship Council is in session, a rule of procedure may be suspended by decision of the Council.

XXI. AMENDMENT

Rule 107. These rules of procedure may be amended by the Trusteeship Council. Normally, a vote shall not be taken until four days after a proposal for amendment has been submitted.

intergouvernementaux appropriés qui pourront être créés à titre distinct, pour les questions qui peuvent les intéresser.

2. Le Secrétaire général communique sans délai à ces organismes les rapports annuels de l'Autorité chargée de l'administration et tous rapports et autres documents du Conseil de tutelle qui pourraient les intéresser particulièrement.

XX. SUSPENSION DE CERTAINS ARTICLES

Art. 106. Lorsque le Conseil de tutelle est en session, un article du règlement intérieur peut être suspendu, par décision du Conseil.

XXI. AMENDEMENT

Art. 107. Le présent règlement intérieur peut être amendé par le Conseil de tutelle. En règle générale, celui-ci ne procède à un vote sur une proposition d'amendement qu'après l'expiration d'un délai de quatre jours à compter du dépôt de ladite proposition.

No. 653f

Regulations concerning Registration and Publication of Treaties. Adopted at Flushing Meadows, December 14, 1946.

Règlement concernant l'enregistrement et publication des traités. Adopté à Flushing Meadows, 14 décembre 1946.

EDITOR'S NOTE. These Regulations, adopted by Resolution 97 (I) of the General Assembly, had been prepared by the Secretary-General in pursuance of Resolution 23(I) of February 10, 1946. U.N. Doc. A/64, p. 33; A/64/Add. 1, p. 189. By Resolution 174 (II) of November 14, 1947, the General Assembly drew "the attention of the States Members to the obligations imposed by Article 102 of the Charter." U.N. Doc. A/519, p. 104. Resolution 254 (III) of November 3, 1948, repeated this exhortation and requested the member states to "take immediate steps to fulfil this obligation." U.N. Doc. A/810, pp. 159-60. On July 1, 1949, 485 treaties had been registered and 176 treaties had been filed with the Secretariat of the United Nations, and 16 volumes of the *United Nations Treaty Series* had been issued.

Entered into force December 14, 1946.

Text from 1 *U.N. Treaty Series*, p. xx.

The General Assembly,
Considering it desirable to establish
rules for the application of Article 102 of

L'Assemblée générale,
Estimant opportun de fixer les règles et
les méthodes à suivre en vue de l'applica-

the Charter of the United Nations which provides as follows:

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.
2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

Recognizing, in making provision therefor, the importance of orderly registration and publication of such treaties and international agreements and the maintenance of precise records;

Adopts accordingly, having given consideration to the proposals of the Secretary-General submitted pursuant to the resolution of the General Assembly of 10 February 1946, the following regulations:

PART ONE REGISTRATION

Article 1.—1. Every treaty or international agreement, whatever its form and descriptive name, entered into by one or more Members of the United Nations after 24 October 1945, the date of the coming into force of the Charter, shall as soon as possible be registered with the Secretariat in accordance with these regulations.

2. Registration shall not take place until the treaty or international agreement has come into force between two or more of the parties thereto.

3. Such registration may be effected by any party or in accordance with article 4 of these regulations.

4. The Secretariat shall record the treaties and international agreements so registered in a Register established for that purpose.

Art. 2.—1. When a treaty or international agreement has been registered with the Secretariat, a certified statement regarding any subsequent action which effects a change in the parties thereto, or

tion de l'Article 102 de la Charte des Nations Unies, ainsi conçu :

1. Tout traité ou accord international conclu par un Membre des Nations Unies après l'entrée en vigueur de la présente Charte sera, le plus tôt possible, enregistré au Secrétariat et publié par lui.

2. Aucune partie à un traité ou accord international qui n'aura pas été enregistré conformément aux dispositions du paragraphe 1 du présent article ne pourra invoquer ledit traité ou accord devant un organe de l'Organisation.

Reconnaissant, en prévoyant des dispositions à ce sujet, l'importance qui s'attache à l'enregistrement et à la publication méthodique des traités et accords internationaux, et à ce qu'il soit constamment tenu un état de tous faits concernant lesdits traités et accords internationaux;

Adopte, en conséquence, après avoir examiné les propositions soumises par le Secrétaire général à la suite de la résolution de l'Assemblée générale en date du 10 février 1946, le règlement ci-après :

PREMIÈRE PARTIE ENREGISTREMENT

Article 1.—1. Tout traité ou accord international, quelle qu'en soit sa forme et sous quelque appellation qu'il soit désigné, conclu par un ou plusieurs Membres des Nations Unies postérieurement au 24 octobre 1945, date de l'entrée en vigueur de la Charte, sera, le plus tôt possible, enregistré au Secrétariat conformément au présent règlement.

2. L'enregistrement ne sera effectué que lorsque le traité ou l'accord international est entré en vigueur entre deux ou plus de deux parties contractantes.

3. Cet enregistrement peut être effectué par l'une quelconque des parties, ou conformément aux dispositions de l'article 4 du présent règlement.

4. Le Secrétariat inscrira les traités ou les accords internationaux ainsi enregistrés dans un registre établi à cet effet.

Art. 2.—1. Lorsqu'un traité ou accord international aura été enregistré au Secrétariat, une déclaration certifiée, relative à tout fait ultérieur comportant un changement dans les parties audit

the terms, scope or application thereof, shall also be registered with the Secretariat.

2. The Secretariat shall record the certified statement so registered in the register established under article 1 of these regulations.

Art. 3.—1. Registration by a party, in accordance with article 1 of these regulations, relieves all other parties of the obligation to register.

2. Registration effected in accordance with article 4 of these regulations relieves all parties of the obligation to register.

Art. 4.—1. Every treaty or international agreement subject to article 1 of these regulations shall be registered *ex officio* by the United Nations in the following cases:

(a) Where the United Nations is a party to the treaty or agreement;

(b) Where the United Nations has been authorized by the treaty or agreement to effect registration.

2. A treaty or international agreement subject to article 1 of these regulations may be registered with the Secretariat by a specialized agency in the following cases:

(a) Where the constituent instrument of the specialized agency provides for such registration;

(b) Where the treaty or agreement has been registered with the specialized agency pursuant to the terms of its constituent instrument;

(c) Where the specialized agency has been authorized by the treaty or agreement to effect registration.

Art. 5.—1. A party or specialized agency, registering a treaty or international agreement under article 1 or 4 of these regulations, shall certify that the text is a true and complete copy thereof and includes all reservations made by parties thereto.

2. The certified copy shall reproduce the text in all the languages in which the treaty or agreement was concluded and shall be accompanied by two additional copies and by a statement setting forth, in respect of each party:

traité ou accord, ou modifiant ses termes, sa portée ou son application, sera également enregistrée au Secrétariat.

2. Le Secrétariat inscrira la déclaration certifiée, ainsi enregistrée, dans le registre prévu à l'article 1 du présent règlement.

Art. 3.—1. Lorsqu'un traité ou accord international aura été enregistré par l'une des parties conformément à l'article 1 du présent règlement, toutes les autres parties seront dégagées de l'obligation d'enregistrer ledit traité ou accord.

2. Lorsqu'un traité ou accord international aura été enregistré conformément à l'article 4 du présent règlement, toutes les parties seront dégagées de l'obligation d'enregistrer ledit traité ou accord.

Art. 4.—1. Tout traité ou accord international soumis aux dispositions de l'article 1 du présent règlement sera enregistré *d'office* par l'Organisation des Nations Unies dans les cas suivants:

a) Quand l'Organisation des Nations Unies est partie au traité ou à l'accord;

b) Quand l'Organisation des Nations Unies a été autorisée par les signataires dudit traité ou accord à effectuer l'enregistrement.

2. Un traité ou accord international soumis aux dispositions de l'article 1 du présent règlement peut être enregistré au Secrétariat par une institution spécialisée dans les cas suivants:

a) Quand l'acte constitutif de l'institution spécialisée prévoit cet enregistrement;

b) Quand le traité ou accord a été enregistré auprès de l'institution spécialisée conformément aux termes de son acte constitutif;

c) Quand le traité ou l'accord a autorisé l'institution spécialisée à effectuer l'enregistrement.

Art. 5.—1. La partie ou l'institution spécialisée qui présentera à l'enregistrement un traité ou accord international conformément à l'article 1 ou à l'article 4 du présent règlement, certifiera que le texte soumis en est une copie exacte et intégrale et qu'il comprend toutes les réserves faites par les parties contractantes.

2. La copie certifiée conforme reproduira le texte dans toutes les langues dans lesquelles le traité ou l'accord a été conclu et sera accompagnée de deux exemplaires supplémentaires et d'une déclaration indiquant, pour chacune des parties:

(a) The date on which the treaty or agreement has come into force:

(b) The method whereby it has come into force (for example: by signature, by ratification or acceptance, by accession, et cetera).

Art. 6. The date of receipt by the Secretariat of the United Nations of the treaty or international agreement registered shall be deemed to be the date of registration, provided that the date of registration of a treaty or agreement registered *ex officio* by the United Nations shall be the date on which the treaty or agreement first came into force between two or more of the parties thereto.

Art. 7. A certificate of registration signed by the Secretary-General or his representative shall be issued to the registering party or agency and also to all signatories and parties to the treaty or international agreement registered.

Art. 8.—1. The register shall be kept in the five official languages of the United Nations. The register shall comprise, in respect of each treaty or international agreement, a record of:

(a) The serial number given in the order of registration;

(b) The title given to the instrument by the parties;

(c) The names of the parties between whom it was concluded;

(d) The dates of signature, ratification or acceptance, exchange of ratification, accession, and entry into force;

(e) The duration;

(f) The language or languages in which it was drawn up;

(g) The name of the party or specialized agency which registers the instrument and the date of such registration;

(h) Particulars of publication in the treaty series of the United Nations.

2. Such information shall also be included in the Register in regard to the statements registered under article 2 of these regulations.

3. The texts registered shall be marked "*ne varietur*" by the Secretary-General or his representative, and shall remain in the custody of the Secretariat.

Art. 9. The Secretary-General, or his representative, shall issue certified ex-

a) La date à laquelle le traité ou accord est entré en vigueur;

b) Le mode d'entrée en vigueur (par exemple: par signature, par ratification, par acceptation, par adhésion, etc.).

Art. 6. La date à laquelle le Secrétariat de l'Organisation des Nations Unies aura reçu le traité ou accord international à enregistrer sera considérée comme date d'enregistrement. Toutefois, la date de l'enregistrement d'un traité ou accord enregistré d'office par l'Organisation sera la première date à laquelle celui-ci est entré en vigueur entre deux ou plus de deux parties contractantes.

Art. 7. Un certificat d'enregistrement signé par le Secrétaire général ou par son représentant sera délivré à la partie ou à l'institution qui procédera à l'enregistrement ainsi qu'à tous les signataires et à toutes les parties contractantes du traité ou de l'accord international enregistré.

Art. 8.—1. Le registre sera tenu dans les cinq langues officielles de l'Organisation des Nations Unies. Pour chaque traité ou accord international, le registre indiquera:

a) Le numéro de série qui lui aura été attribué dans l'ordre de l'enregistrement;

b) Le titre donné à l'instrument par les parties;

c) Le nom des parties entre lesquelles il a été conclu;

d) Les dates de signature, de ratification ou d'acceptation, d'échange de ratifications, d'adhésion et d'entrée en vigueur;

e) La durée de validité;

f) La langue ou les langues dans lesquelles il a été établi;

(g) La désignation de la partie ou de l'institution spécialisée qui le présente à l'enregistrement et la date de cet enregistrement;

h) Toutes données sur sa publication dans le recueil des traités de l'Organisation des Nations Unies.

2. Ces renseignements seront également portés au registre pour ce qui concerne les déclarations enregistrées conformément à l'article 2 du présent règlement.

3. Les exemplaires mêmes présentés à l'enregistrement seront revêtus de la mention "*ne varietur*" apposée par le Secrétaire général ou par son représentant et resteront sous la garde du Secrétariat.

Art. 9. Le Secrétaire général ou son représentant délivrera à la demande de

tracts from the Register at the request of any Member of the United Nations or any party to the treaty or international agreement concerned. In other cases he may issue such extracts at his discretion.

PART TWO

FILING AND RECORDING

Art. 10. The Secretariat shall file and record treaties and international agreements, other than those subject to registration under article 1 of these regulations, if they fall in the following categories:

(a) Treaties or international agreements entered into by the United Nations or by one or more of the specialized agencies;

(b) Treaties or international agreements transmitted by a Member of the United Nations which were entered into before the coming into force of the Charter, but which were not included in the treaty series of the League of Nations;

(c) Treaties or international agreements transmitted by a party not a member of the United Nations which were entered into before or after the coming into force of the Charter which were not included in the treaty series of the League of Nations, provided, however, that this paragraph shall be applied with full regard to the provisions of the resolution of the General Assembly of 10 February 1946 set forth in the Annex to these regulations.

Art. 11. The provisions of articles 2, 5, and 8 of these regulations shall apply, *mutatis mutandis*, to all treaties and international agreements filed and recorded under article 10 of these regulations.

PART THREE

PUBLICATION

Art. 12.—1. The Secretariat shall publish as soon as possible in a single series every treaty or international agreement which is registered, or filed and recorded, in the original language or languages, followed by a translation in English and in French. The certified statements re-

tout Membre des Nations Unies ou de toute partie audit traité ou accord international, des extraits du registre certifiés conformes. Dans d'autres cas le Secrétaire général peut, à sa convenance, délivrer de tels extraits.

DEUXIÈME PARTIE

CLASSEMENT ET TENUE DU RÉPERTOIRE

Art. 10. Le Secrétariat classera et tiendra un répertoire des traités et accords internationaux autres que ceux soumis aux dispositions de l'article 1 du présent règlement s'ils rentrent dans les catégories suivantes:

a) Traités ou accords internationaux conclus par l'Organisation des Nations Unies ou par une ou plusieurs institutions spécialisées;

b) Traités ou accords internationaux transmis par un Membre de l'Organisation des Nations Unies et conclus avant la date d'entrée en vigueur de la Charte, mais qui n'ont pas été insérés dans le recueil des traités de la Société des Nations;

c) Traités ou accords internationaux transmis par des Etats parties à ces traités ou accords, mais non membres des Nations Unies, conclus soit avant, soit après l'entrée en vigueur de la Charte, mais qui n'ont pas été insérés dans le recueil des traités de la Société des Nations, étant cependant entendu que dans la mise en application de ce paragraphe, il sera tenu pleinement compte des dispositions de la résolution adoptée par l'Assemblée générale le 10 février 1946 et reproduite en annexe au présent règlement.

Art. 11. Les dispositions des articles 2, 5 et 8 du présent règlement seront applicables, *mutatis mutandis*, à tous les traités et accords internationaux classés et inscrits au répertoire, conformément à l'article 10 du présent règlement.

TROISIÈME PARTIE

PUBLICATION

Art. 12.—1. Le Secrétariat publiera le plus tôt possible, en un recueil unique, tout traité ou accord international qui aura été, soit enregistré, soit classé et inscrit au répertoire; cette publication se fera dans la langue ou les langues originales de l'instrument, suivie d'une traduc-

ferred to in article 2 of these regulations shall be published in the same manner.

2. The Secretariat shall, when publishing a treaty or agreement under paragraph 1 of this article, include the following information: the serial number in order of registration or recording; the date of registration or recording; the name of the party or specialized agency which registered it or transmitted it for filing; and in respect of each party the date on which it has come into force and the method whereby it has come into force.

Art. 13. The Secretariat shall publish every month a statement of the treaties and international agreements registered, or filed and recorded, during the preceding month, giving the dates and numbers of registration and recording.

Art. 14. The Secretariat shall send to all Members of the United Nations the series referred to in article 12 and the monthly statement referred to in article 13 of these regulations.

ANNEX

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY ON 10 FEBRUARY 1946 ON REGISTRATION OF TREATIES AND INTERNATIONAL AGREEMENTS

The Executive Secretary sent a circular letter to the Members of the United Nations on 8 November 1945 informing them that from the date of the entry into force of the Charter, treaties and international agreements would be received and filed on a provisional basis until the adoption of detailed regulations prescribing the procedure to be followed in the registration and publication of treaties and international agreements under the provisions of Article 102 of the Charter. The Executive Secretary also invited the Governments of Members to transmit to the Secretariat for filing and publication, treaties and international agreements not included in the treaty series of the League of Nations and entered into in recent years before the date of the entry into force of the Charter.

tion en anglais et en français. Les déclarations certifiées, mentionnées à l'article 2 du présent règlement, seront publiées de la même façon.

2. Le Secrétariat devra, lorsqu'il publiera un traité ou accord conformément à l'alinéa premier du présent article, inclure les renseignements suivants: numéro de série dans l'ordre de l'enregistrement ou de l'inscription au répertoire; la date de l'enregistrement ou de l'inscription au répertoire; le nom de la partie ou de l'institution spécialisée qui a présenté l'instrument à l'enregistrement ou à l'inscription; ainsi que, pour chacune des parties, la date et le mode d'entrée en vigueur.

Art. 13. Le Secrétariat publiera chaque mois un relevé des traités et accords internationaux qui auront été, dans le courant du mois précédent, soit enregistrés, soit classés et inscrits au répertoire, en mentionnant les dates et numéros d'ordre de l'enregistrement et de l'inscription.

Art. 14. Le Secrétariat communiquera à tous les Membres de l'Organisation des Nations Unies le recueil mentionné à l'article 12 et le relevé mensuel mentionné à l'article 13 du présent règlement.

ANNEXE

RÉSOLUTION ADOPTÉE PAR L'ASSEMBLÉE GÉNÉRALE LE 10 FÉVRIER 1946 RELATIVE À L'ENREGISTREMENT DES TRAITÉS ET ACCORDS INTERNATIONAUX

Le Secrétaire exécutif a envoyé une circulaire aux Membres des Nations Unies, à la date du 8 novembre 1945, pour leur faire savoir que, à partir de la date d'entrée en vigueur de la Charte, les traités et accords internationaux seront reçus et classés à titre temporaire jusqu'à l'adoption de règles détaillées prescrivant la procédure à suivre pour l'enregistrement et la publication des traités et accords internationaux en vertu des dispositions de l'Article 102 de la Charte. Le Secrétaire exécutif a également invité les Gouvernements des Membres à transmettre au Secrétariat, pour classement et publication, les traités et accords internationaux qui ne sont pas compris dans le recueil des traités de la Société des Nations et qui ont été conclus au cours de ces dernières années avant la date d'entrée en vigueur de la Charte.

It is desirable, as a matter of practical convenience, that arrangements should be made for the publication of any treaties or international agreements which non-member States may voluntarily transmit and which have not been included in the treaty series of the League of Nations. These arrangements should not, however, extend to treaties or international agreements transmitted by any non-member State such as Spain, the Government of which has been founded with the support of the Axis Powers and does not, in view of its origin, its nature, its record and its close association with the aggressor States, possess qualifications necessary to justify membership in the United Nations under the provisions of the Charter.

Therefore, the General Assembly instructs the Secretary-General:

1. To submit to the General Assembly proposals for detailed regulations and other measures designed to give effect to the provisions of Article 102 of the Charter;

2. To invite the Governments of Members of the United Nations to transmit to the Secretary-General for filing and publication, treaties and international agreements entered into in recent years, but before the date of entry into force of the Charter, which had not been included in the League of Nations treaty series, and to transmit for registration and publication, treaties and international agreements entered into after the date of entry into force of the Charter;

3. To receive, from the Governments of non-member States, treaties and international agreements entered into both before and after the date of entry into force of the Charter, which have not been included in the League of Nations treaty series and which they may voluntarily transmit for filing and publication; and to dispose of them in accordance with the foregoing provisions, and subject to such detailed regulations and other measures as may hereafter be adopted.

Il est désirable, pour des raisons de commodité, que des dispositions soient prises en vue de la publication des traités ou accords internationaux que des Etats non membres pourraient désirer communiquer et qui n'ont pas été insérés dans le recueil des traités de la Société des Nations. Toutefois ces dispositions ne devraient pas s'appliquer aux traités ou accords internationaux transmis par un Etat non membre, tel que l'Espagne, dont le Gouvernement a été établi avec l'appui des Puissances de l'Axe et qui, étant donné son origine, sa nature, son passé, et son association étroite avec les Etats agresseurs, ne possède pas les titres requis pour faire partie des Nations Unies en vertu des dispositions de la Charte.

En conséquence, l'Assemblée générale charge le Secrétaire général:

1. De soumettre à l'Assemblée générale des propositions en vue d'une réglementation détaillée et d'autres mesures destinées à donner effet aux dispositions de l'Article 102 de la Charte;

2. D'inviter les Gouvernements des Membres des Nations Unies à transmettre au Secrétaire général, pour classement et publication, les traités et accords internationaux conclus au cours de ces dernières années, mais avant la date d'entrée en vigueur de la Charte, et qui n'ont pas été insérés dans le recueil des traités de la Société des Nations; et de transmettre, aux fins d'enregistrement et de publications, les traités et accords internationaux conclus après la date d'entrée en vigueur de la Charte;

3. De recevoir des Gouvernements des Etats non membres les traités et accords internationaux conclus tant avant qu'après la date d'entrée en vigueur de la Charte, qui n'ont pas été insérés dans le recueil des traités de la Société des Nations et qu'ils pourront désirer communiquer pour classement et publication; et de prendre à leur égard toutes mesures conformes aux dispositions ci-dessus et sous réserve de telles réglementations détaillées et autres mesures qui pourront être adoptées ultérieurement.

No. 653g

Provisional Financial Regulations of the United Nations. Adopted at Flushing Meadows, November 20, 1947.**Règlement financier provisoire de l'Organisation des Nations Unies. Adopté à Flushing Meadows, 20 novembre 1947.**

EDITOR'S NOTE. These Regulations effected a revision of previous financial regulations, first adopted on February 13, 1946, and revised on December 11, 1946. U.N. Docs. A/64, p. 21, and A/64/Add. 1, p. 144. As an exception to Regulation 20, the General Assembly, by Resolutions 163 (II) and 238 (III), gave permission to member states to pay part of their contributions in currencies other than United States dollars. U.N. Docs. A/519, p. 69, and A/810, p. 99. For the regulations for the financial administration of the League of Nations, see No. 1e, *ante*.

Entered into force November 20, 1947

Text from U.N. Doc. A/519, p. 69.

Scope and Application

Regulation 1. These regulations are established in accordance with the provisions of rule 37 of the provisional rules of procedure and shall be cited as the Provisional Financial Regulations. They shall become effective as from the date of their approval by the General Assembly.

Reg. 2. These regulations shall govern the financial administration of the United Nations, including the International Court of Justice.

Reg. 3. These regulations shall apply to the financial administration of the specialized agencies to the extent provided in Agreements entered into between the specialized agencies and the United Nations.

The Financial Year

Reg. 4. The financial year shall be the calendar year, 1 January to 31 December.

The Budget

Reg. 5. The Secretary-General shall submit to the regular annual session of the General Assembly estimates for the following financial year. He may also submit such supplementary estimates as may be deemed necessary for the current financial year.

The estimates of the International Court of Justice shall be prepared by the

Portée et mise en vigueur

Article 1. Le présent règlement est établi conformément aux dispositions de l'article 37 du règlement intérieur provisoire et est intitulé Règlement financier provisoire. Il prend effet à compter de la date de son approbation par l'Assemblée générale.

Art. 2. Le présent règlement régit la gestion financière de l'Organisation des Nations Unies, y compris la Cour internationale de Justice.

Art. 3. Le présent règlement s'applique à la gestion financière des institutions spécialisées dans la mesure prévue dans les Accords conclus entre ces institutions et l'Organisation des Nations Unies.

Exercice financier

Art. 4. L'exercice financier coïncide avec l'année civile; il va du 1^{er} janvier au 31 décembre.

Budget

Art. 5. Le Secrétaire général présente à la session annuelle ordinaire de l'Assemblée générale les prévisions de dépenses pour l'exercice financier suivant. Il peut également présenter toutes prévisions de dépenses supplémentaires qu'il juge nécessaires pour l'exercice courant.

Les prévisions de dépenses de la Cour internationale de Justice sont établies par

Court, in consultation with the Secretary-General, and shall be submitted to the General Assembly by the Secretary-General, together with such observations as he may deem desirable.

Reg. 6. The estimates submitted to the General Assembly shall be divided into parts, sections and chapters, and shall be accompanied by:

(a) A detailed statement of the estimated expenditure provided for under each chapter and each item of a chapter;

(b) A statement of the estimated miscellaneous or other income under appropriate headings;

(c) An explanatory statement with regard to the expenditures proposed in connexion with any new activity or any extension of an existing activity;

(d) A statement of the estimated expenditure of the current financial year, and the expenditure of the last completed financial year;

(e) An information annex containing the budgets or proposed budgets of the specialized agencies, or such summaries thereof as the Secretary-General may deem appropriate and useful.

Reg. 7. The estimates shall be submitted to the Advisory Committee on Administrative and Budgetary Questions (hereinafter referred to as the "Advisory Committee") at least twelve weeks before the opening of the annual session of the General Assembly. They shall be examined by the Advisory Committee, which shall prepare a report thereon. The estimates, together with the Committee's report, shall be transmitted to all Members at least five weeks before the opening of the regular session of the General Assembly.

Reg. 8. Supplementary estimates shall be submitted to the Advisory Committee for examination and report.

Reg. 9. The estimates, and the reports of the Advisory Committee thereon, shall be submitted to the General Assembly and referred to the Administrative and Budgetary Committee of the General Assembly for consideration and report to the Assembly.

Reg. 10. All appropriations shall require a two-thirds majority of the General Assembly in accordance with the provisions of Article 18, paragraph 2, of the Charter of the United Nations.

la Cour en consultation avec le Secrétaire général et présentées à l'Assemblée générale par ce dernier, en même temps que les observations qu'il juge opportunes.

Art. 6. Les prévisions de dépenses présentées à l'Assemblée générale sont divisées en titres, chapitres et articles et accompagnées:

a) D'un état détaillé des dépenses prévues à chacun des articles et à chacun des postes des articles;

b) D'un état des prévisions de recettes diverses et autres, réparties sous des rubriques appropriées;

c) D'un exposé explicatif pour les dépenses proposées se rapportant à tout nouveau domaine d'activité ou à toute extension d'un domaine d'activité existant;

d) D'un état de prévisions de dépenses pour l'exercice courant et des dépenses du dernier exercice financier clos;

e) D'une annexe explicative contenant les budgets ou les propositions budgétaires des institutions spécialisées ou leur résumé, selon que le Secrétaire général le jugera utile et opportun.

Art. 7. Les prévisions de dépenses sont présentées au Comité consultatif pour les questions administratives et budgétaires (désigné ci-après sous le nom de "Comité consultatif") douze semaines au moins avant l'ouverture de la session annuelle de l'Assemblée générale. Le Comité consultatif les examine et prépare un rapport à leur sujet. Les prévisions de dépenses sont transmises en même temps que le rapport du Comité consultatif à tous les Etats Membres cinq semaines au moins avant l'ouverture de la session annuelle ordinaire de l'Assemblée générale.

Art. 8. Les prévisions de dépenses supplémentaires sont présentées au Comité consultatif qui les examine et présente un rapport à leur sujet.

Art. 9. Les prévisions de dépenses et les rapports du Comité consultatif sont présentés à l'Assemblée générale et renvoyés à la Commission des questions administratives et budgétaires de l'Assemblée générale qui les examine et présente un rapport à l'Assemblée.

Art. 10. Toutes les ouvertures de crédits sont votées à la majorité des deux tiers de l'Assemblée générale, conformément aux dispositions de l'Article 18, paragraphe 2, de la Charte des Nations Unies.

Reg. 11. The adoption of the budget shall constitute an authorization to the Secretary-General to incur obligations and make expenditures for the purposes for which appropriations have been voted and up to the amounts so voted.

The appropriations shall be available for obligations in respect of goods supplied and services rendered in the financial year to which the appropriations relate.

The Secretary-General shall make allotments in writing from the appropriations as voted by the General Assembly and under such further subheadings as may appear appropriate and necessary, before obligations are incurred thereunder.

Transfers within Appropriations

Reg. 12. Transfers by the Secretary-General within the total amount appropriated under the estimates may be made to the extent permitted by the terms of the budget resolution adopted by the General Assembly.

Availability of Appropriations at the Close of the Financial Year

Reg. 13. Appropriations shall remain available to the extent that they are required to meet the outstanding obligations as at 31 December represented by goods supplied and services rendered up to and including that date.

Reg. 14. The balance of appropriations shall be surrendered in accordance with the provisions of regulation 17. Outstanding obligations not represented by goods supplied or services rendered up to and including 31 December shall be a charge to the appropriations of the succeeding year.

Provision of Funds

Reg. 15. The appropriations, subject to the adjustments to be effected in accordance with the provisions of regulation 17, shall be financed by contributions from Members according to the scale of assessments determined by the General Assembly. Pending the receipt of such contributions, the appropriations may be financed from the Working Capital Fund.

Art 11. L'adoption du budget constitue une autorisation pour le Secrétaire général de prendre des engagements et d'effectuer des dépenses aux fins pour lesquelles les crédits ont été votés, jusqu'à concurrence du montant de ces crédits.

Les crédits servent à couvrir les engagements relatifs à des fournitures procurées et à des services rendus au cours de l'exercice financier auquel les crédits se rapportent.

Le Secrétaire général répartit par écrit les crédits votés par l'Assemblée générale, en utilisant le cas échéant toute division nouvelle en sous-rubriques qu'il juge convenable et nécessaire, avant d'engager des dépenses imputables sur ces crédits.

Virement de crédits

Art 12. Le Secrétaire général peut effectuer des virements de crédits ne dépassant pas le montant total des crédits ouverts, dans la mesure prévue par les dispositions de la résolution budgétaire adoptée par l'Assemblée générale.

Crédits disponibles à la fin de l'exercice financier

Art 13. Les crédits restent disponibles dans la mesure nécessaire pour couvrir les dépenses engagées dont le paiement n'est pas encore effectué le 31 décembre et qui concernent des fournitures procurées et des services rendus jusqu'à cette date incluse.

Art 14. Le solde des crédits est annulé conformément aux dispositions de l'article 17. Les dépenses engagées dont le paiement n'est pas encore effectué et qui ne concernent pas des fournitures procurées ou des services rendus au plus tard le 31 décembre sont imputées sur les crédits de l'exercice suivant.

Constitution des fonds

Art 15. Les dépenses prévues au budget, compte tenu des ajustements qui sont effectuées conformément aux dispositions de l'article 17, sont couvertes par les contributions des Etats Membres, dont le montant est fixé par le barème de répartition établi par l'Assemblée générale. En attendant le versement de ces contributions, les dépenses budgétaires peuvent être couvertes par le fonds de roulement.

Reg. 16. The General Assembly shall determine the amount of the Working Capital Fund and any sub-divisions thereof.

Reg. 17. In the assessment of the contributions of Members, there shall be adjustments to the amount of the appropriations approved by the General Assembly for the following financial year in respect of:

(a) Supplementary appropriations for which contributions have not previously been assessed on the Members;

(b) Estimated miscellaneous income for the financial year to which the appropriations relate;

(c) Miscellaneous income of former years for which credit has not previously been taken into account, and deficiencies in estimated income which was previously taken into account;

(d) Contributions resulting from the admission of new Members under the provisions of regulation 19;

(e) Any balance of the appropriations of the last completed financial year surrendered under regulation 14.

Reg. 18. After the General Assembly has adopted the budget and determined the amount of the working capital fund and its sub-divisions, the Secretary-General shall:

(a) Transmit all relevant documents to Members;

(b) Inform Members of their commitments in respect of annual contributions and of advances to the working capital fund;

(c) Request them to remit their contributions and any advances to the working capital fund.

Reg. 19. New Members shall be required to make a contribution for the year in which they are first admitted and an advance to the working capital fund, at rates to be determined by the General Assembly.

Reg. 20. Annual contributions and advances to the working capital fund shall be assessed and paid in the currency of the State in which the United Nations has its headquarters.

Reg. 21. Payments made by a Member shall be applied first as a credit to the working capital fund and then to the contributions due in the order in which the Member was assessed.

Art. 16. L'Assemblée générale fixe le montant du fonds de roulement et de ses subdivisions.

Art. 17. Des ajustements sont apportés au montant des contributions des Etats Membres à concurrence du montant des crédits votés par l'Assemblée générale pour l'exercice financier suivant, en fonction:

a) Des crédits supplémentaires pour lesquels la part de contribution de chaque Etat Membre n'a pas été déterminée précédemment;

b) Des recettes accessoires prévues pour l'exercice financier auquel ces crédits se rapportent;

c) Des revenus divers des années précédentes dont le produit n'a pas encore été pris en compte et des déficits dans les revenus dont le produit prévu a été pris en compte par anticipation;

d) Des contributions résultant de l'admission de nouveaux Membres, conformément aux dispositions de l'article 19;

e) De tous soldes de crédits restant disponibles sur le dernier exercice financier clos, et annulés comme prévu à l'article 14.

Art. 18. Lorsque l'Assemblée générale a adopté le budget et fixé le montant du fonds de roulement et de ses subdivisions, le Secrétaire général doit:

a) Transmettre aux Etats Membres tous les documents utiles;

b) Faire connaître aux Etats Membres le montant de leurs engagements en ce qui concerne leur contribution annuelle et leurs avances au fonds de roulement;

c) Les inviter à remettre le montant de leurs contributions et de leurs avances au fonds de roulement.

Art. 19. Les nouveaux Membres sont tenus de verser une contribution pour l'année au cours de laquelle ils sont admis ainsi qu'une avance au fonds de roulement, suivant des taux qui seront fixés par l'Assemblée générale.

Art. 20. Les contributions annuelles et les avances faites au fonds de roulement sont calculées et payées dans la monnaie de l'Etat sur le territoire duquel l'Organisation a son siège.

Art. 21. Les versements effectués par un Etat Membre sont d'abord portés à son crédit au fonds de roulement, puis viennent en déduction des contributions qui lui incombent en vertu de la répartition.

Reg. 22. States which are not Members of the United Nations, but which become parties to the Statute of the International Court of Justice, shall contribute to the expenses of the Court in amounts as may be determined by the General Assembly. Such amounts shall be taken to account as miscellaneous income.

Custody of Funds

Reg. 23. The Secretary-General shall designate the bank or banks in which the funds of the Organization shall be kept.

Internal Control

Reg. 24. The Secretary-General shall:

(a) Establish detailed financial rules and procedures in order to ensure effective financial administration and the exercise of economy;

(b) Cause an accurate record to be kept of all capital acquisitions and all supplies purchased and used;

(c) Render to the auditors with the accounts a statement as at 31 December of the financial year concerned, showing the supplies in hand and the assets and liabilities of the Organization, together with a statement of losses of cash, stores and other assets written off under regulation 27;

(d) Cause all payments to be made on the basis of supporting vouchers and other documents which ensure that the services or commodities have been received and that payment has not previously been made;

(e) Designate the officials who may receive monies, incur obligations and make payments on behalf of the United Nations;

(f) Maintain an internal financial control which shall provide for an effective current examination or review of financial transactions in order:

- (i) To ensure the regularity of the receipt, disposal and custody of all funds and other financial resources of the Organization;
- (ii) To ensure the conformity of all expenditures with the appropriations or other financial provisions voted by the General Assembly;
- (iii) To obviate any uneconomic use of the resources of the Organization.

Art. 22. Les Etats non membres de l'Organisation des Nations Unies mais qui deviennent parties au Statut de la Cour internationale de Justice contribuent aux dépenses de la Cour dans la mesure que fixe l'Assemblée générale. Les sommes ainsi reçues sont considérées comme revenus divers.

Dépôt des fonds

Art. 23. Le Secrétaire général désigne la banque ou les banques dans lesquelles seront déposés les fonds de l'Organisation.

Contrôle intérieur

Art. 24. Le Secrétaire général:

a) Fixe le détail des règles et des méthodes à observer en matière de finances de manière à assurer une gestion financière efficace et économique;

b) Fait tenir une comptabilité de toutes les acquisitions de capital, ainsi que de tout matériel neuf ou en service;

c) Présente aux commissaires aux comptes, en même temps que la comptabilité proprement dite, un état arrêté au 31 décembre de l'exercice financier en cours du matériel existant, ainsi que de l'actif et du passif de l'Organisation à cette même date, et un état des pertes de fonds, réserves et autres avoirs, dont le montant est annulé par application de l'article 27;

d) Prescrit que tout paiement doit être effectué sur la base de pièces comptables et autres documents attestant que les services ou les marchandises qui font l'objet du paiement ont bien été reçus et n'ont pas été réglés auparavant;

e) Désigne les fonctionnaires autorisés à recevoir des fonds, à engager des dépenses et à effectuer des paiements au nom de l'Organisation;

f) Etablit un système de contrôle financier intérieur permettant d'exercer une surveillance permanente ou une révision d'ensemble effective des transactions financières en vue:

- i) De constater la régularité des opérations d'encaissement, de sortie et de dépôt des fonds et autres ressources financières de l'Organisation;
- ii) De vérifier la conformité de toutes les dépenses avec les ouvertures de crédit et les autres dispositions financières votées par l'Assemblée générale;
- iii) De prévenir toute utilisation abusive des ressources de l'Organisation.

Reg. 25. No contract, agreement or undertaking of any nature, involving a charge against the United Nations exceeding \$US100 shall be entered into, or have any force or effect, unless:

(a) Credits are reserved in the accounts to discharge any obligation which may come in course of payment in the financial year under such contract, agreement or undertaking;

(b) The charge is a proper one against the United Nations; and

(c) Proof has been provided that the service is for the benefit of the United Nations and the cost thereof is fair and reasonable.

The Board of Auditors shall draw the attention of the General Assembly to any case where, in the opinion of the Board, any charge has been improperly made or was in any way irregular.

Reg. 26. The Secretary-General may make such *ex gratia* payments as he deems to be necessary in the interests of the United Nations, provided that a statement of such payments shall be submitted to the General Assembly with the annual accounts.

Reg. 27. The Secretary-General may, after full investigation, authorize the writing off of losses of cash, stores and other assets, subject to the requirements of regulation 24 (c).

Reg. 28. Tenders for equipment, supplies and other requirements shall be invited by advertisement, except where the Secretary-General deems that, in the interest of the United Nations, a departure from the rule is desirable.

The Accounts

Reg. 29. The accounts of the Organization shall be kept in the currency of the State in which the United Nations has its headquarters, provided, however, that the local accounts of branch offices may be maintained in the currency of the country in which they are situated.

Reg. 30. There shall be established one cash control record in which shall be recorded all cash receipts accruing to the benefit of the Organization. The cash control record shall be divided into such subsidiary receipts classifications as may be deemed necessary.

Art. 25. Aucun contrat, accord ou engagement de nature quelconque entraînant pour l'Organisation des dépenses excédant 100 dollars américains ne peut être signé, mis en vigueur ou recevoir son effet, sans que:

a) Des fonds soient réservés pour régler toutes dépenses dont l'échéance peut survenir au cours de l'exercice financier du fait de ce contrat, de cet accord ou de cet engagement;

b) Le paiement réclamé concerne bien l'Organisation des Nations Unies, et que

c) La preuve soit fournie que l'Organisation des Nations Unies est bien la bénéficiaire des services et que le prix de ceux-ci est juste et raisonnable.

Le Comité des commissaires aux comptes signale à l'attention de l'Assemblée générale tous les cas où, à son avis, une dépense ne se justifie pas ou présente un caractère quelconque d'irrégularité.

Art. 26. Le Secrétaire général peut accorder à titre gracieux les indemnités qu'il juge nécessaires dans l'intérêt de l'Organisation, pourvu qu'un état de ces paiements soit présenté à l'Assemblée générale avec la comptabilité annuelle.

Art. 27. Le Secrétaire général peut, après une enquête approfondie autoriser à passer par profits et pertes le montant des pertes de fonds, réserves, ou autres avoirs, sous réserve des dispositions de l'article 24 c).

Art. 28. Les offres de soumission relatives à l'équipement, au matériel et à tous autres besoins, sont provoquées par voie d'annonces, sauf lorsque le Secrétaire général estime que l'intérêt de l'Organisation des Nations Unies justifie une dérogation à cette règle.

Comptabilité

Art. 29. La comptabilité de l'Organisation est tenue dans la monnaie de l'Etat où l'Organisation des Nations Unies a son siège, étant entendu toutefois que la comptabilité locale de chaque bureau annexe reste tenue dans la monnaie du pays où il est situé.

Art. 30. Il est établi un livre de caisse unique où sont inscrites toutes les recettes de l'Organisation. Le livre de caisse comprend autant de catégories de recettes que l'on juge nécessaire.

Reg. 31. Cash shall be deposited in one or more bank accounts as required; branch accounts, or special funds which involve a separation of cash assets, shall be established as charges to the cash control record under appropriate regulations as to objects, purposes and limitations of such accounts and funds.

Reg. 32. The accounts shall consist of:

(a) Budget accounts showing:

- (i) Original appropriations;
- (ii) Appropriations after modification by any transfers, carried out in accordance with the provisions of regulation 12;
- (iii) Credits, if any, other than appropriations made available by the General Assembly;
- (iv) Allotments made;
- (v) Obligations incurred;
- (vi) Expenditures.

(b) A cash account showing all cash receipts and actual disbursements made;

(c) Separate accounts for the Working Capital Fund, its sub-funds, and any other fund which may be established;

(d) Property records showing:

- (i) Capital acquisitions and disposals;
- (ii) Equipment and supplies purchased, used and on hand.

(e) Such records as will provide for a statement of assets and liabilities for each fund at 31 December of each financial year.

Reg. 33. The accounts shall be submitted by the Secretary-General to the Board of Auditors by 31 March following the end of the financial year.

Appointment of External Auditors

Reg. 34. A board of three auditors, each of whom shall be the Auditor-General (or officer holding equivalent title) of a Member Government, shall be appointed by the General Assembly as External Auditors of the accounts of the United Nations and of such specialized agencies as shall have agreed thereto. The appointments shall be made in the following manner, and subject to the following provisions:

Art. 31. Les fonds sont déposés à un ou plusieurs comptes bancaires, selon les besoins; les comptes séparés, ou les comptes spéciaux nécessitant des avoirs distincts, sont imputés sur le livre de caisse, conformément aux règles appropriées concernant l'objet, le but et les spécifications des dits comptes et fonds.

Art. 32. La comptabilité comprend:

a) La comptabilité budgétaire faisant ressortir:

- i) Les ouvertures de crédits initiales;
- ii) Les ouvertures de crédits après modification par virements effectués conformément aux dispositions de l'article 12;
- iii) Les crédits autres que ceux qui ont été ouverts par l'Assemblée générale, s'il s'en trouve;
- iv) Les crédits accordés;
- v) Les engagements contractés;
- vi) Les dépenses.

b) Un compte de caisse où sont portées toutes les recettes en espèces et les sommes effectivement décaissées;

c) Les comptes distincts du fonds de roulement, de ses subdivisions et de tout autre fonds qui pourrait être créé;

d) Un compte de capital faisant apparaître:

- i) Les acquisitions et dispositions de capital;
- ii) Le matériel et les fournitures achetés, en service et à l'inventaire.

e) Le bilan de chaque fonds arrêté au 31 décembre de chaque exercice financier.

Art. 33. Le Secrétaire général soumet la comptabilité au Comité des commissaires aux comptes le 31 mars qui suit la fin de l'exercice financier.

Désignation de commissaires aux comptes

Art. 34. Un comité de trois commissaires, dont chacun est le vérificateur général des comptes (ou le fonctionnaire possédant un titre équivalent) d'un Etat Membre, est nommé par l'Assemblée générale pour constituer le Comité des commissaires aux comptes de l'Organisation des Nations Unies et des institutions spécialisées qui ont donné leur accord. Les désignations se font de la manière suivante, et conformément aux dispositions ci-après:

(a) In 1947, and every year thereafter, the General Assembly at its regular session shall appoint an auditor to take office from 1 July of the following year and to serve for a period of three years;

(b) The auditors in office shall constitute the Board of Auditors, which shall elect its own Chairman and adopt its own rules of procedure;

(c) The Board, subject to the budgetary provision made by the General Assembly for the cost of audit, and after consultation with the Advisory Committee on Administrative and Budgetary Questions relative to the scope of the audit, may conduct the audit, subject to the provisions of this regulation, in such manner as it thinks fit and may engage commercial public auditors of international repute;

(d) If any member of the Board ceases to hold the national office described in the opening paragraph of this regulation, he shall be replaced by his successor in the national office described;

(e) The Board of Auditors shall submit its report, together with the certified accounts and such other statements as it thinks necessary, to the General Assembly to be available to the Advisory Committee on Administrative and Budgetary Questions not later than 1 June following the end of the financial year to which the accounts relate. The Advisory Committee shall forward to the General Assembly its comments, if any, on the audit report;

(f) The audit shall be carried out by the Board of Auditors subject to the requirements of the General Assembly as established by resolution thereof.

Trust and other Special Funds

Reg. 35. Appropriate separate accounts shall be maintained for trust funds and other special funds for the purpose of accounting for unclaimed monies, and monies received and held in suspense, and for projects where the transactions involve a cycle of operations. The purpose and limits of each trust or other special fund

a) En 1947, et par la suite chaque année, l'Assemblée générale nomme, lors de sa session ordinaire, un commissaire aux comptes qui entre en fonctions le 1^{er} juillet de l'année suivante pour une durée de trois ans:

b) Les commissaires aux comptes en fonctions constituent le Comité des commissaires aux comptes qui élit son propre Président et adopte son propre règlement intérieur;

c) Le Comité, compte tenu des crédits budgétaires ouverts par l'Assemblée générale pour couvrir les dépenses afférentes à la vérification des comptes, et après avoir étudié avec le Comité consultatif pour les questions administratives et budgétaires l'étendue des vérifications à faire, peut procéder à ces vérifications, compte tenu des dispositions du présent règlement, selon les modalités qu'il juge appropriées, en employant le cas échéant des experts comptables publics de réputation internationale;

d) Si un membre du Comité cesse d'occuper dans son pays le poste mentionné au premier paragraphe du présent article, son successeur au poste susmentionné le remplace dans les fonctions en question;

e) Le Comité des commissaires aux comptes soumet à l'Assemblée générale son rapport avec les comptes certifiés exacts et les autres déclarations que le Comité juge nécessaires, de façon que ce rapport soit à la disposition du Comité consultatif pour les questions administratives et budgétaires au plus tard le 1^{er} juin qui suit la fin de l'exercice financier auquel les comptes se rapportent. Le Comité consultatif présente s'il y a lieu à l'Assemblée générale ses observations sur le rapport de vérification des comptes.

f) Le Comité des commissaires aux comptes procède à la vérification des comptes en tenant compte des exigences de l'Assemblée générale, telles que celle-ci les formule dans ses résolutions.

Fonds fiduciaires et autres fonds spéciaux

Art. 35. Des comptes appropriés et distincts sont établis pour les fonds faisant l'objet d'un fidéicommis et autres fonds spéciaux, en vue de comptabiliser les sommes non réclamées, les sommes reçues et en suspens, ainsi que les projets dont l'exécution comporte un cycle d'opérations. L'autorité compétente détermine

established shall be clearly defined by the appropriate authority.

l'objet et les spécifications de chaque fonds fiduciaire ou autre fonds spécial ainsi créé.

Investments

Reg. 36. The Secretary-General may make short-term investments of monies which are not needed for immediate requirements and shall inform the Advisory Committee periodically of the investments which he has made. Notwithstanding these provisions, the Secretary-General may make long-term investments on account of the Joint Staff Pension Scheme on the advice of the Investments Committee, established under the Provisional Regulations for the United Nations Joint Staff Pension Scheme, and in respect of the Library Endowment and other special funds.

Reg. 37. Income from investments of the Working Capital Fund shall be accounted for as miscellaneous income.

Income from investments of the Staff Provident Fund shall be credited to the Pension Fund.

Council Resolutions involving United Nations Expenditures

Reg. 38. No resolution involving expenditure from the United Nations funds shall be approved by a Council unless the Council has before it a report from the Secretary-General on the financial implications of the proposals and an estimate of the costs involved in the specific proposal.

Where, in the opinion of the Secretary-General, the proposed expenditure cannot be made from the existing appropriations, it shall not be incurred until the General Assembly has made the necessary appropriations unless the Secretary-General certifies that provision can be made under the conditions of the resolutions of the General Assembly relating to unforeseen and extraordinary expenses and the Working Capital Fund.

Placements

Art. 36. Le Secrétaire général est autorisé à placer à court terme les fonds qui ne sont pas requis pour des besoins immédiats; il fera périodiquement connaître au Comité consultatif les placements effectués. Par dérogation à ces dispositions, le Secrétaire général est autorisé, après avoir consulté le Comité des placements créé en vertu du règlement provisoire de la Caisse commune des pensions du personnel de l'Organisation des Nations Unies, à faire des placements à long terme pour le compte de la Caisse commune des pensions du personnel et pour le compte du Fonds de dotation de la Bibliothèque ainsi que pour d'autres fonds spéciaux.

Art. 37. Le revenu provenant des placements du fonds de roulement entre dans la comptabilité au titre des revenus divers.

Le revenu provenant des placements de la Caisse de prévoyance du personnel est porté au crédit de la Caisse des pensions.

Résolutions des Conseils entraînant des dépenses pour l'Organisation des Nations Unies

Art. 38. Aucune résolution entraînant des dépenses imputables sur les fonds de l'Organisation des Nations Unies ne peut recevoir l'approbation d'un Conseil si celui-ci n'a été préalablement saisi d'un rapport du Secrétaire général sur les incidences financières de la proposition, et d'une prévision des dépenses qu'entraînerait l'adoption de la proposition en question.

Lorsque le Secrétaire général estime que les dépenses envisagées ne peuvent pas être imputées sur les crédits ouverts, ces dépenses ne sont pas effectuées avant que l'Assemblée générale ait voté les crédits nécessaires, à moins que le Secrétaire général ne certifie qu'il est possible de prendre des dispositions en vertu des résolutions de l'Assemblée générale concernant les dépenses imprévues ou extraordinaires et le fonds de roulement.

No. 653h

Staff Rules of the United Nations. Codified May 13, 1948.

Règlement du personnel des Nations Unies. Codifié 13 mai 1948.

EDITOR'S NOTE. The provisional staff rules issued on March 9, 1946 (U.N. Doc. SGB/3) were frequently revised. This codification was prepared by the Secretary-General in pursuance of Resolution 161 (II) of the General Assembly of November 20, 1947. U.N. Doc. A/519, p. 66. These Staff Rules are designed to implement the provisional staff regulations, which were adopted by the General Assembly on February 13, 1946, and later revised.¹ U.N. Docs. A/64, p. 18; A/64/Add.1, p. 150; A/435; A/519, p. 66; SGB/3/Add.5; and A/810, p. 143.

Entered into force July 1, 1948.

Text from U.N. Doc. A/551.

RULE 1.—*Applicability*

The rules in chapters I through XI shall apply to all staff members with the specific exceptions made under:

Chapter XII—Headquarters personnel paid at hourly rates

Chapter XIII—Personnel specifically engaged for conferences and other short term service

Chapter XIV—Personnel engaged as consultants

Chapter XV—Personnel of missions

Chapter XVI—Personnel at established offices away from headquarters

CHAPTER I

DUTIES AND RESPONSIBILITIES

RULE 2.—*Status as international civil servants*

The Secretary-General and all staff members are international civil servants. Their responsibilities are not national but exclusively international. By accepting appointment, they pledge themselves to discharge their functions and to regulate their conduct with the interests of the United Nations only in view.

RULE 3.—*Responsibility to the Secretary-General*

(a) Staff members are subject to the authority of the Secretary-General and

ARTICLE 1.—*Champ d'application*

Les articles contenus dans les chapitres I à XI inclus s'appliquent à tous les membres du personnel, sous réserve des exceptions ci-après:

Chapitre XII—Personnel du siège payé à l'heure

Chapitre XIII—Personnel expressément engagé pour des conférences ou autres périodes de service de courte durée

Chapitre XIV—Personnel engagé à titre de consultants

Chapitre XV—Personnel des missions

Chapitre XVI—Personnel des bureaux permanents situés hors du siège

CHAPITRE I

DEVOIRS ET ATTRIBUTIONS

ARTICLE 2.—*Statut de fonctionnaires internationaux*

Le Secrétaire général et tous les membres du personnel sont des fonctionnaires internationaux. Leurs attributions ne sont pas nationales mais exclusivement internationales. En acceptant leur nomination, ils s'engagent à s'acquitter de leurs fonctions et à régler leur conduite en ayant uniquement en vue l'intérêt des Nations Unies.

ARTICLE 3.—*Responsabilité envers le Secrétaire général*

a) Les membres du personnel sont soumis à l'autorité du Secrétaire général

¹ There are 137 rules, which bear numbers ranging from 1 through 214, a block of numbers having been assigned to each chapter to permit possible later additions or suppression of rules within a given chapter without necessitating complete realignment of rule numbers and references thereto.

are responsible to him in the exercise of their functions.

(b) In the performance of their duties, they shall not seek or receive instructions from any Government or from any other authority external to the Organization.

RULE 4.—*Oath or declaration of office*

(a) Upon accepting appointment, staff members shall subscribe to the following oath or declaration:

"I solemnly swear (undertake, affirm, promise) to exercise in all loyalty, discretion and conscience the functions entrusted to me as a member of the international service of the United Nations, to discharge those functions and regulate my conduct with the interests of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or other authority external to the Organization."

(b) The oath or declaration shall be made orally by the Secretary-General and Assistant Secretaries-General at a public meeting of the General Assembly and by the other higher officers in public before the Secretary-General or his authorized representative.

RULE 5.—*Assignment of duties*

Staff members shall be assigned to their duties by the Secretary-General and may be required to work in any department or activity of the Secretariat.

RULE 6.—*Conduct*

Staff members shall conduct themselves at all times in a manner compatible with their status as representatives of the United Nations. They shall avoid any action, and in particular any kind of public pronouncement or activity, which may adversely reflect on their position as international civil servants. They are not expected to give up their national sentiments or their political and religious convictions; but they shall at all times bear in mind the reserve and tact incumbent upon

et, dans l'exercice de leurs fonctions, sont responsables envers lui.

b) Dans l'accomplissement de leurs devoirs, ils ne solliciteront ni n'accepteront d'instructions d'aucun gouvernement ou d'aucune autorité extérieure à l'Organisation.

ARTICLE 4.—*Serment ou déclaration*

a) Les membres du personnel au moment d'accepter leur nomination souscriront le serment ou la déclaration ci-après:

"Je jure solennellement (var.: je prends l'engagement solennel, je fais la déclaration, ou la promesse solennelle) d'exercer en toute loyauté, discrétion et conscience les fonctions qui m'ont été confiées en qualité de membre de l'administration internationale de l'Organisation des Nations Unies, de m'acquitter de ces fonctions et de régler ma conduite en ayant exclusivement en vue les intérêts de l'Organisation, sans solliciter ni accepter d'instructions d'aucun gouvernement ou autre autorité extérieure à l'Organisation, en ce qui concerne l'accomplissement de mes devoirs."

b) Le Secrétaire général et les Sous-Secrétaires généraux feront ce serment ou cette déclaration en séance publique de l'Assemblée générale; les autres hauts fonctionnaires s'acquitteront de ce même devoir en public et en présence du Secrétaire général ou de son représentant qualifié.

ARTICLE 5.—*Affectation*

Les fonctions des membres du personnel seront fixées par le Secrétaire général. Les membres du personnel pourront être affectés à tout département ou service du Secrétariat.

ARTICLE 6.—*Règles de conduite*

Les membres du personnel se conduiront en toutes circonstances comme l'exige leur position de représentants des Nations Unies. Ils ont le devoir d'éviter tout acte et en particulier toute déclaration ou intervention en public susceptible d'avoir une influence défavorable sur leur situation en tant que membres de l'administration internationale. Ils n'ont pas à renoncer à leurs sentiments nationaux ou à leurs convictions politiques ou religieuses, mais ils doivent, à tout moment,

them by reason of their international status.

RULE 7.—*Communication of unpublished information*

Staff members shall exercise the utmost discretion in regard to all matters of official business. They shall not communicate to any other person any unpublished information known to them by reason of their official position, except in the course of their duties or by authorization of the Secretary-General. This obligation does not cease with separation from service.

RULE 8.—*Public information relationships*

Staff members shall not issue statements to the press, accept speaking engagements, or make radio addresses without receiving prior authorization from the Secretary-General.

RULE 9.—*Fees for speaking engagements*

Staff members shall not accept fees or gifts of any sort for a speaking or similar engagement, but may accept reimbursement for actual travelling expenses.

RULE 10.—*Acceptance of gratuities*

Staff members shall not accept gratuities or favours of any sort from commercial firms or individuals doing or seeking business with the United Nations.

RULE 11.—*Acceptance of honours, decorations, favours, gifts or fees*

Staff members shall not accept any honour, decoration, favour, gift or fee from any Government or from any other source external to the Organization during the period of their appointment, except for war services.

RULE 12.—*Outside activities*

(a) Staff members shall not engage in any outside occupation or hold any office which is incompatible with the proper discharge of their duties with the United Nations. Prior approval by the Secre-

observer la réserve et le tact dont leur situation internationale leur fait un devoir.

ARTICLE 7.—*Communication de renseignements non encore publiés*

Les membres du personnel doivent observer la plus grande discrétion sur toutes les questions officielles. Sauf à titre officiel ou avec l'autorisation du Secrétaire général, ils ne doivent communiquer à qui que ce soit un renseignement non encore publié, venu à leur connaissance du fait de leur situation officielle.

ARTICLE 8.—*Relations avec le public*

Les membres du personnel ne peuvent faire de déclarations à la presse, accepter des invitations à prendre la parole en public ou parler à la radio, sans autorisation préalable du Secrétaire général.

ARTICLE 9.—*Rétribution pour les conférences publiques*

Les membres du personnel ne doivent accepter ni rémunération, ni don de quelque nature que ce soit pour une conférence ou un engagement analogue, mais ils peuvent accepter le remboursement des frais de déplacement qu'ils ont effectivement supportés.

ARTICLE 10.—*Interdiction de recevoir des gratifications*

Les membres du personnel ne doivent accepter ni gratification ni avantage quelconque de sociétés ou de particuliers faisant des affaires avec l'Organisation des Nations Unies ou cherchant à entrer en relations commerciales avec elle.

ARTICLE 11.—*Distinctions honorifiques, décorations, favours, cadeaux ou honoraires*

Les membres du personnel ne peuvent accepter de distinctions honorifiques, de décorations, de favours, de cadeaux ou d'honoraires d'un gouvernement quelconque ou de toute autre source extérieure à l'Organisation, pendant la période de leur activité, sauf en raison de services de guerre.

ARTICLE 12.—*Exercice d'une activité hors de l'Organisation*

a) Les membres du personnel ne peuvent ni exercer une activité quelconque hors de l'Organisation ni occuper un poste qui soient incompatibles avec l'accomplissement normal de leurs fonctions dans

tary-General is required before a staff member may engage in outside occupations.

(b) Staff members shall not hold office in any association whose aims or activities are in any way related to those of the United Nations without the approval of the Secretary-General.

RULE 13.—*Candidacy for political office*

Any staff member who becomes a candidate for a public office of a political character shall resign from the Secretariat.

RULE 14.—*Hours of work*

(a) The whole time of staff members shall be at the disposal of the Secretary-General.

(b) The normal work week shall be forty hours exclusive of meal times.

(c) The official holidays of the United Nations shall be prescribed by the Secretary-General.

RULE 15.—*Privileges and immunities*

Staff members are granted the privileges and immunities referred to in the Convention on the Privileges and Immunities of the United Nations, insofar as this Convention has been ratified by the Governments concerned. These privileges and immunities are conferred in the interests of the Organization. They furnish no excuse to the staff members who enjoy them for non-performance of their private obligations or failure to observe laws and police regulations. In any case where these privileges and immunities arise, the staff member concerned shall immediately report to the Secretary-General with whom alone it rests to decide whether they shall be waived.

CHAPTER II

SALARIES AND RELATED ALLOWANCES

RULE 20.—*Schedule of annual salaries*

The schedule of basic salaries shown below shall apply to all staff members with the exceptions specified in Chapters XII, XIII, XIV, XV and XVI:

l'Organisation. Un membre du personnel ne peut se livrer à une occupation hors de l'Organisation qu'avec l'assentiment préalable du Secrétaire général.

b) Les membres du personnel ne peuvent pas, sans l'assentiment du Secrétaire général, exercer de fonctions dans une association dont les buts ou l'activité ont un rapport quelconque avec ceux de l'Organisation.

ARTICLE 13.—*Candidature à une fonction publique de caractère politique*

Les membres du personnel qui posent leur candidature à une fonction publique de caractère politique doivent donner leur démission de membres du Secrétariat.

ARTICLE 14.—*Heures de travail*

a) Le temps des membres du personnel est tout entier à la disposition du Secrétaire général.

b) La semaine normale de travail est de 40 heures, non compris le temps des repas.

c) Le Secrétaire général fixe les congés officiels de l'Organisation.

ARTICLE 15.—*Privilèges et immunités*

Les membres du personnel jouissent des privilèges et immunités visés dans la Convention sur les privilèges et immunités des Nations Unies, dans la mesure où les gouvernements intéressés ont ratifié cette Convention. Ces privilèges et immunités sont conférés dans l'intérêt de l'Organisation. Ils ne dispensent pas les membres du personnel qui en jouissent d'exécuter leurs obligations privées ni d'observer les lois et règlements de police en vigueur. Dans tous les cas où ces privilèges et immunités sont en cause, le membre du personnel intéressé en rend immédiatement compte au Secrétaire général, qui peut seul décider s'ils seront levés.

CHAPITRE II

TRAITEMENTS ET INDEMNITÉS CONNEXES

ARTICLE 20.—*Barème des traitements annuels*

Sous réserve des exceptions prévues aux chapitres XII, XIII, XIV, XV et XVI, le barème des traitements de base qui figure ci-dessous s'applique à tous les membres du personnel:¹

¹ The French text of the table is not reproduced.—Ed.

GRADE	STEP I	STEP II	STEP III	STEP IV	STEP V	STEP VI	STEP VII
	(Base Salary for Grade) \$	\$ (U.S.)	\$ (U.S.)	\$ (U.S.)	\$ (U.S.)	\$ (U.S.)	\$ (U.S.)
1	1580	1660	1740	1830	1920	2020	2130
2	1740	1830	1920	2020	2130	2240	2360
3	1920	2020	2130	2240	2360	2480	2610
4	2130	2240	2360	2480	2610	2750	2890
5	2360	2480	2610	2750	2890	3050	3210
6	2610	2750	2890	3050	3210	3390	3570
7	2890	3050	3210	3390	3570	3770	3970
8	3210	3390	3570	3770	3970	4190	4410
9	3570	3770	3970	4190	4410	4660	4910
10	3970	4190	4410	4660	4910	5180	5450
11	4410	4660	4910	5180	5450	5750	6050
12	4910	5180	5450	5750	6050	6370	6700
13	5450	5750	6050	6370	6700	7060	7450
14	6050	6370	6700	7060	7450	7870	8300
15	6700	7060	7450	7870	8300	8750	9200
16	7450	7870	8300	8750	9200	9700	10300
17	8300	8750	9200	9700	10300	10900	—
18	9200	9700	10300	10900	—	—	—
19	10000	10500	11000	—	—	—	—
Top-ranking Director	11000	—	—	—	—	—	—
Assistant Secretary- General	13500	—	—	—	—	—	—

RULE 21.—Salary and wage administration plan

Posts shall be classified into categories and grades, based on the duties and responsibilities of each post.

RULE 22.—Night Differential

Staff members shall receive a night differential of 10 per cent of base pay for any regular working hours between 6.00 p.m. and 6.00 a.m.

RULE 23.—Extra compensation

Extra cash payments may be made to staff members temporarily assigned to posts of higher grades.

RULE 24.—Within-grade salary increases

(a) Increase of salary from one step rate to the next higher step rate within the same grade shall be granted in accordance with the following schedule to staff members whose services have been satisfactory:

ARTICLE 21.—Régime d'application des traitements et des salaires

Les postes sont répartis par catégories et par classes, d'après les devoirs et les attributions qu'ils comportent.

ARTICLE 22.—Sursalaire de nuit

Les membres du personnel recevront un sursalaire de nuit égal à 10% de leur traitement de base pour toute période de travail régulière effectuée entre 18 heures et 6 heures.

ARTICLE 23.—Indemnité spéciale

Il peut être alloué une indemnité spéciale en espèces aux membres du personnel qui occupent à titre temporaire un poste d'une classe supérieure à la leur.

ARTICLE 24.—Passage à un échelon supérieur dans une même classe

a) Il sera accordé aux membres du personnel dont les services auront donné satisfaction une augmentation de traitement d'un échelon à l'échelon immédiatement au-dessus dans la même classe conformément au barème ci-après: ¹

¹ The French text of the table is not reproduced.—ED.

Grade(s)	Step	Service requirements
1-6	1 to 2	6 months
	2 to 3	6 months
	3 to 4	1 year
	4 to 5	1 year
	5 to 6	2 years
	6 to 7	3 years
7	1 to 2	6 months
	2 to 3	6 months
	3 to 4	1 year
	4 to 5	2 years
	5 to 6	2 years
	6 to 7	3 years
8-19	1 to 2	1 year
	2 to 3	1 year
	3 to 4	2 years
	4 to 5	2 years
	5 to 6	3 years
	6 to 7	3 years

(b) In computing the periods of service required for such salary increases no credits shall be allowed for any time in excess of one calendar month during which a staff member is on leave without pay.

RULE 25.—*Salary policy in promotions*

Staff members receiving promotions shall be paid in accordance with the following provisions:

(a) If the present salary of the staff member is below the base salary rate of the higher grade, promotion shall be to that base rate.

(b) If the present salary of the staff member is equal to or above the base salary of the higher grade, promotion shall be to the salary step rate of that grade next above the staff member's present salary.

RULE 26.—*Salary advances*

Salary advances may be made to assist staff members during financial emergencies.

RULE 27.—*Deductions and contributions*

(a) Deductions may be made from salaries and wages for contributions under the provisions of these rules, for contribu-

b) Dans le calcul du temps de service requis pour donner droit aux augmentations de traitement ci-dessus, il ne sera tenu compte d'aucune période de congé sans traitement excédant un mois.

ARTICLE 25.—*Traitement à payer en cas de promotion*

Le traitement des membres du personnel bénéficiant d'une promotion sera déterminé selon les règles suivantes:

a) Dans le cas où le traitement actuel du membre du personnel est inférieur au traitement de base de la classe à laquelle il est promu, le fonctionnaire recevra le traitement de base de cette classe.

b) Dans le cas où le traitement actuel du membre du personnel est égal ou supérieur au traitement de base de la classe à laquelle il est promu, ce fonctionnaire recevra le traitement afférent à l'échelon de sa nouvelle classe qui est immédiatement au-dessus de son traitement actuel.

ARTICLE 26.—*Avances sur traitements*

Les membres du personnel qui se trouvent dans une situation financière difficile peuvent bénéficier d'avances de traitements.

ARTICLE 27.—*Retenues et cotisations*

a) Des retenues peuvent être opérées sur les traitements et les salaires pour les cotisations prévues par le présent règle-

tions authorized by staff members, and for indebtedness to the United Nations.

(b) Salaries, wages and other compensation shall not be subject to execution, levy, lien, attachment, garnishment or other legal processes.

RULE 28.—*Overtime and compensatory time off*

Staff members who are required to work in excess of the hours of the normal working week may be given additional payment or compensatory time off under conditions prescribed by the Secretary-General.

RULE 29.—*Allowances paid at dependency rates*

(a) Payment of all allowances, except the children's allowance and education grant, at dependency rates shall be made only to a staff member who has a wife or who, as the head of a family, has one or more of the following dependent upon him or her for full and continuing support: husband, son, daughter, parent, brother or sister.

(b) When more than one member of an immediate family household is employed by the United Nations, allowances shall be paid only to the staff member who is considered the head of the family, and shall be at dependency rates.

RULE 30.—*Cost of living adjustment*

Changes in local cost of living conditions, since the date of establishment of the salary and wage schedules, May 1946, shall be taken into account through a scheme of temporary cost of living adjustments.

RULE 31.—*Installation allowance*

(a) A staff member, other than those listed in (b) below, whose home, at the time of appointment, is beyond reasonable commuting distance from his place of duty shall be paid a per diem installation allowance for himself and his dependents

ment, les cotisations consenties par les membres du personnel ainsi que pour le règlement de dettes contractées envers l'Organisation.

b) Les traitements, salaires et indemnités ne pourront faire l'objet d'une saisie-exécution, d'une retenue en règlement de dette, d'un privilège, d'une opposition, saisie-arrêt ou autre voie d'exécution.

ARTICLE 28.—*Heures supplémentaires et congés de compensation*

Les membres du personnel qui doivent travailler au delà du nombre d'heures constituant la semaine de travail normale peuvent bénéficier d'une rémunération supplémentaire ou d'un congé de compensation dans les conditions fixées par le Secrétaire général.

ARTICLE 29.—*Majoration des indemnités dans le cas des fonctionnaires ayant des charges de famille*

a) Sauf en ce qui concerne les allocations familiales et les indemnités pour frais d'études, seuls recevront des indemnités au taux fixé pour les fonctionnaires ayant des charges de famille, les fonctionnaires hommes mariés ou les membres du personnel qui, en qualité de chef de famille, ont à leur charge, d'une manière permanente et complète, les personnes ci-après: mari, fils, fille, père ou mère, frère ou sœur.

b) Dans le cas où un membre de la famille immédiate d'un fonctionnaire est employé par l'Organisation, les indemnités ne seront versées qu'au seul membre du personnel considéré comme chef de famille, et cela au taux fixé pour les fonctionnaires ayant des charges de famille.

ARTICLE 30.—*Indemnité de vie chère*

Il sera tenu compte des variations du coût de la vie constatées dans la région considérée, depuis la mise en vigueur du barème des traitements et salaires, c'est-à-dire depuis mai 1946, par un système d'indemnités temporaires de vie chère.

ARTICLE 31.—*Indemnité journalière d'installation*

a) Les membres du personnel, à l'exception de ceux qui sont énumérés à l'alinéa b) ci-après, qui résidaient, au moment de leur nomination dans une localité située à une distance de leur lieu d'affectation qui ne leur permettait pas

for sixty days after his arrival at the place of duty.

(b) Assistant Secretaries-General, top-ranking Directors, and Directors receiving representation allowances shall be paid an installation allowance at the travel subsistence rate for themselves, but not for dependents, for thirty days after arrival at the place of duty.

RULE 32.—*Installation grant*

(a) Staff members including those receiving representation allowances, who are appointed for a period of one year or more and who are eligible for or have previously received an installation allowance under Rule 31, shall receive an installation grant.

(b) A staff member shall be entitled to only one installation grant, regardless of subsequent changes in place of duty.

RULE 33.—*Expatriation allowance*

Subject to conditions prescribed by the Secretary-General, staff members, except those receiving representation allowances, shall receive an expatriation allowance for a period not to exceed two years after appointment or initial transfer to an official duty station outside their home country.

RULE 34.—*Rental allowance and subsidy*

(a) Staff members residing in United Nations housing projects, except those receiving a representation allowance, shall receive a rental subsidy, provided they are eligible for, or have previously received, an installation allowance or had military service in World War II.

(b) Staff members not residing in United Nations housing projects, except those receiving a representation allowance, shall receive a rental allowance, pro-

normalement d'effectuer le voyage d'aller et retour quotidien, recevront une indemnité journalière d'installation pour eux-mêmes et pour les personnes à leur charge pendant soixante jours à compter de leur arrivée au lieu de leur affectation.

b) Les secrétaires généraux adjoints, les directeurs hors classe et les directeurs touchant une indemnité pour frais de représentation bénéficieront pour eux-mêmes, mais non pour les personnes à leur charge, d'une indemnité journalière d'installation égale à l'indemnité pour frais de voyage à laquelle ils ont droit, pendant trente jours après leur arrivée à leur lieu d'affectation.

ARTICLE 32.—*Prime d'installation*

a) Les membres du personnel, y compris ceux qui touchent des indemnités pour frais de représentation, qui sont nommés pour un an ou plus et qui ont droit à l'indemnité journalière d'installation prévue à l'article 31, ou l'ont touchée antérieurement, recevront une prime d'installation.

b) Un membre du personnel n'aura droit qu'une seule fois à la prime d'installation, même si son lieu d'affectation change par la suite.

ARTICLE 33.—*Indemnité d'expatriation*

Les membres du personnel, à l'exception de ceux qui touchent une indemnité pour frais de représentation, recevront une indemnité d'expatriation pendant une période maximum de deux ans, calculée à partir de leur nomination ou de leur premier transfert à un lieu d'affectation situé hors de leur pays d'origine selon les règles fixées par le Secrétaire général.

ARTICLE 34.—*Indemnité et subvention pour le logement*

a) Les membres du personnel occupant des appartements de l'Organisation des Nations Unies, à l'exception de ceux qui touchent une indemnité pour frais de représentation, recevront une subvention pour leur logement à condition qu'ils aient droit à l'indemnité d'installation, ou qu'ils l'aient touchée antérieurement, ou encore qu'ils aient servi dans les forces armées pendant la Deuxième guerre mondiale.

b) Les membres du personnel qui n'habitent pas des appartements de l'Organisation des Nations Unies recevront, à l'exception de ceux qui touchent une

vided they are eligible for, or have previously received, an installation allowance.

RULE 35.—*Children's allowances*

(a) Staff members, except those receiving a representation allowance, shall receive a children's allowance of \$200 (U.S.) per annum in respect of each child under the age of sixteen years, or, if the child is in full-time attendance at a school or a university (or similar educational institution), under the age of eighteen or twenty-two years respectively.

(b) If both parents are staff members, only one allowance shall be paid for each of their children.

(c) The allowance shall continue to be payable for each child of a staff member who becomes entitled under the United Nations Joint Staff Pension Fund Regulations to a retirement or a disability benefit and to a widow receiving a widow benefit under these regulations.

(d) Upon the death of a staff member who receives a children's allowance under these rules and following the death of the other parent, there shall be paid to the legal guardian of each child an allowance of \$400 (U.S.) or such other appropriate amount as may be fixed by the United Nations Staff Pension Committee.

(e) The Secretary-General may decide in each case whether the allowances shall extend to adopted children or step-children.

RULE 36.—*Education grant*

(a) Each staff member whose official duty station is outside his own country and who is entitled to a children's allowance under Rule 35, shall receive the following education grant:

(i) The sum of \$200 (U.S.) per annum for each child in full-time attendance at a school or a university (or similar educational institution) in his own country; provided that where a child attended such an institution for a period of less than

indemnité pour frais de représentation, une indemnité de logement, à condition qu'ils aient droit à l'indemnité d'installation ou s'ils l'ont touchée précédemment.

ARTICLE 35.—*Indemnités pour charges de famille*

a) Les membres du personnel, à l'exception de ceux qui touchent une indemnité pour frais de représentation, recevront une indemnité pour charges de famille de 200 dollars (EU) par an pour chaque enfant âgé de moins de 16 ans, ou s'il s'agit d'un enfant qui fréquente régulièrement une école ou une université (ou un établissement d'enseignement analogue), de moins de 18 ans ou de 22 ans respectivement.

b) Si le père et la mère sont tous deux membres du personnel de l'Organisation des Nations Unies, une seule indemnité sera versée pour chacun de leurs enfants.

c) Les membres du personnel qui ont droit à une pension de retraite ou d'invalidité, conformément au règlement de la Caisse commune des pensions du personnel des Nations Unies, continueront à recevoir l'indemnité pour chacun de leurs enfants. Celle-ci sera également versée à la veuve bénéficiaire d'une pension de veuve, aux termes du présent règlement.

d) En cas de décès d'un membre du personnel qui bénéficiait d'une indemnité pour charges de famille, conformément au présent règlement, survenant après le décès de son conjoint, il sera versé au tuteur légal de chaque enfant une indemnité de 400 dollars (EU) ou une autre somme appropriée fixée par le Comité des pensions du personnel de l'Organisation des Nations Unies.

e) Le Secrétaire général peut décider dans chaque cas particulier, si l'indemnité doit s'appliquer à des enfants adoptifs ou à des beaux-enfants.

ARTICLE 36.—*Indemnités pour frais d'études*

a) Les membres du personnel affectés à un poste hors de leur pays d'origine, qui ont droit à l'indemnité pour charges de famille prévue à l'article 35, recevront, en outre, les indemnités suivantes pour frais d'études:

(i) Une somme de 200 dollars des Etats-Unis par an pour chaque enfant fréquentant régulièrement une école ou une université (ou un établissement d'enseignement analogue) dans son pays d'origine. Si l'enfant a fréquenté un

two-thirds of any one scholastic year, the allowance shall be reduced to such proportion of \$200 (U.S.) as the period so attended bears to a full scholastic year;

(ii) Once in each scholastic year the transportation expenses of the outward and return journey of such a child by a route approved by the Secretary-General;

(iii) Should staff members elect to send their children to special schools in the area where they are serving, which have curricula characteristic of their nationality, including international schools organized for children of United Nations staff members rather than to schools in their own countries, the United Nations will pay for each child under eleven years of age who is otherwise eligible for the education grant, an allowance equal to the difference between the cost of education at the special school which he attends and the cost at a comparable school attended by children of persons normally resident in the area, provided that the allowance shall not be paid at a rate exceeding \$200 (U.S.) per year. If the child is eleven years of age or over, the special grant is payable only in those cases where the health of the child will not permit return to his own country. Such cases must be supported by a medical certificate approved by the United Nations medical officer stating the circumstances.

(b) If both parents are staff members, only one education grant shall be paid for each of their children.

(c) The Secretary-General may decide in each case whether the education grant shall extend to adopted children or stepchildren.

RULE 37.—*Representation allowances*

(a) Allowances for such staff members as Assistant Secretaries-General, top-ranking Directors and others as the Secretary-General may specify, shall be deemed to include all representation (including hospitality), housing (rental), children's, education and expatriation allowances, but not such reimbursable al-

établissement d'éducation de cet ordre pendant une période inférieure aux deux tiers de l'année scolaire, cette indemnité de 200 dollars (EU) sera réduite à une fraction proportionnelle à la durée de fréquentation.

(ii) Une fois par année scolaire, les frais de voyage aller et retour de l'enfant, le voyage s'effectuant suivant un itinéraire approuvé par le Secrétaire général.

(iii) Si les membres du personnel décident d'envoyer leurs enfants dans une école spéciale de la région où ils exercent leurs fonctions dont le programme d'études répond au caractère de leur enseignement national, et notamment dans les écoles internationales organisées pour les enfants des membres du personnel de l'Organisation des Nations Unies, au lieu de les envoyer dans une école de leur pays d'origine, l'Organisation paiera, pour chaque enfant âgé de moins de 11 ans, qui aurait droit autrement à l'indemnité pour frais d'études, une indemnité égale à la différence entre les frais d'études dans l'école spéciale qu'il fréquente, et les frais d'études dans une école analogue fréquentée par les enfants qui résident habituellement dans la région, sous réserve que cette indemnité ne dépasse pas 200 dollars par an. Si l'enfant est âgé de 11 ans ou plus, l'indemnité spéciale ne sera versée que lorsque la santé de l'enfant ne lui permet pas de rentrer dans son pays d'origine. En pareil cas, un certificat médical attestant les faits doit être fourni et ce certificat doit être approuvé par le médecin de l'Organisation des Nations Unies.

b) Si le père et la mère sont tous deux membres du personnel, une seule indemnité sera accordée pour chacun de leurs enfants.

c) Le Secrétaire général décidera dans chaque cas particulier si l'indemnité pour frais d'études s'applique aussi à des enfants adoptifs ou à des beaux-enfants.

ARTICLE 37.—*Indemnités pour frais de représentation*

a) Les indemnités dont bénéficient les membres du personnel tels que les secrétaires généraux adjoints, les directeurs hors classe et tous autres fonctionnaires que pourra désigner le Secrétaire général, seront censées couvrir toutes indemnités de représentation (y compris les frais de réception), de logement (loyer), de charges

lowances as travel, travel subsistence, removal costs upon appointment, change of duty station, separation, home leave and official travel.

(b) The rates for representation allowances are as follows:

	\$ (U.S.)
Assistant Secretaries-General	7,000 to 11,500
Top-ranking Directors	3,000 to 6,000
Other specified Directors	2,500

CHAPTER III

APPOINTMENT AND PROBATION

RULE 50.—*Appointment of staff*

The Secretary-General appoints staff members as required.

RULE 51.—*General selection policy*

The paramount consideration in the employment of the staff shall be the necessity of securing the highest standards of efficiency, competence and integrity.

RULE 52.—*Geographical distribution*

Due regard shall be paid to the importance of recruiting the staff on a wide geographical basis, provided that:

(a) Manual workers and all staff members paid at hourly rates shall be recruited locally, and

(b) Staff members in grades I through 7 shall normally be recruited locally.

RULE 53.—*Eligibility of men and women for appointments*

Men and women shall be equally eligible for all posts.

RULE 54.—*Competitive basis of selection*

So far as practicable, appointments shall be made on a competitive basis.

de famille, de frais d'études et d'expatriation, mais non les indemnités versées à titre de remboursement comme l'indemnité pour frais de voyage ou de subsistance, les frais de déménagement consécutifs à la nomination du fonctionnaire ou à une nouvelle affectation, l'indemnité de licenciement, les frais de voyage afférents au congé dans les foyers et les frais de voyage des fonctionnaires en mission.

b) Le montant des indemnités pour frais de représentation est fixé comme suit:¹

CHAPITRE III

NOMINATION ET STAGE

ARTICLE 50.—*Nomination des membres du personnel*

Le Secrétaire général nomme les membres du personnel suivant les besoins du service.

ARTICLE 51.—*Règle générale applicable au choix des membres du personnel*

La considération dominante dans le recrutement du personnel doit être la nécessité d'assurer à l'Organisation les services de personnes possédant les plus hautes qualités de travail, de compétence et d'intégrité.

ARTICLE 52.—*Répartition géographique*

L'importance d'un recrutement effectué sur une base géographique aussi large que possible sera dûment prise en considération, étant entendu que:

a) Les travailleurs manuels et tous les membres du personnel payés à l'heure seront recrutés sur place.

b) Les membres du personnel des classes I à 7 seront, en règle générale, recrutés sur place.

ARTICLE 53.—*Egalité des hommes et des femmes en matière de recrutement*

Tous les postes sont également accessibles aux hommes et aux femmes.

ARTICLE 54.—*Sélection par voie de concours*

Dans la mesure du possible, les nominations à des postes seront faites par voie de concours.

¹ The French text of the table is not reproduced.—ED.

RULE 55.—*Appointment of Stateless persons or citizens of non-member States*

The appointment of Stateless persons or citizens of non-member States shall be limited to exceptional cases.

RULE 56.—*Fascism and Nazism*

No persons shall be appointed who have discredited themselves by their activities or connections with fascism or nazism.

RULE 57.—*Age limits*

Normally, candidates under twenty or over sixty years of age shall not be considered for appointment, provided that the minimum age limit for those locally recruited shall be sixteen.

RULE 58.—*Employment of staff members of the same family*

(a) Appointment shall not be granted to a person who is closely related by blood or marriage to a staff member, except in extraordinary circumstances where another person equally well-qualified cannot be recruited.

(b) Normally, only one member of a closely related family group shall be granted an indeterminate appointment.

(c) Staff members closely related by blood or marriage shall not be assigned to serve in the same department if one of the posts is subordinate to the other in the line of authority.

RULE 59.—*Terms of appointment*

(a) Staff members shall be granted either indeterminate or temporary appointments.

(b) Appointments of assistant Secretaries-General, top-ranking Directors and such other principal higher officers as the Secretary-General may determine shall be for a period not to exceed five years subject to renewal.

RULE 60.—*Indeterminate appointment*

(a) An indeterminate appointment which has been confirmed after a probationary period shall be considered permanent, subject to review every five years on

ARTICLE 55.—*Nomination d'apatrides ou de citoyens d'Etats ne faisant pas partie de l'Organisation*

Les apatrides ou les citoyens d'Etats ne faisant pas partie de l'Organisation ne seront recrutés que dans des cas exceptionnels.

ARTICLE 56.—*Fascisme et nazisme*

Nul ne sera nommé à un poste s'il s'est discrédité par son activité au service du fascisme ou du nazisme ou par ses liens avec l'un ou l'autre.

ARTICLE 57.—*Limite d'âge*

En règle générale, les candidatures de personnes âgées de 20 ans ou de plus de 60 ans ne seront pas retenues avec cette réserve que la limite d'âge sera abaissée à 16 ans pour le personnel recruté sur place.

ARTICLE 58.—*Emploi de membres du personnel appartenant à la même famille*

a) Il ne sera pas donné de poste à une personne ayant des liens étroits de consanguinité ou de parenté par alliance avec un membre du personnel, excepté dans des circonstances extraordinaires, où il sera impossible de nommer une autre personne aussi qualifiée.

b) En règle générale, il ne sera donné de contrat d'une durée indéterminée qu'à un seul membre d'une même famille.

c) Des membres du personnel entre lesquels il existe des liens étroits de consanguinité ou de parenté par alliance ne pourront être affectés à un même département si l'un des postes est subordonné à l'autre dans l'ordre hiérarchique.

ARTICLE 59.—*Durée d'engagement*

a) Les membres du personnel seront nommés, soit pour une durée indéterminée, soit à titre temporaire.

b) La nomination des secrétaires généraux adjoints, des directeurs hors classe et des autres hauts fonctionnaires que désignera le Secrétaire général sera faite pour une période maximum de cinq ans avec faculté de renouvellement.

ARTICLE 60.—*Engagement d'une durée indéterminée*

a) Toute nomination pour une durée indéterminée, qui aura été confirmée après un stage, sera considérée comme permanente sous réserve de révision tous les cinq

grounds of efficiency, competence and integrity.

(b) The Secretary-General shall appoint a Personnel Selection Committee to consider and review the qualifications of staff members recommended for indeterminate appointments.

(c) A probationary period of twelve months' continuous service shall be required before the confirmation of an indeterminate appointment, provided that a maximum of nine months' service prior to the effective date of the appointment shall be counted for this purpose. The probationary period may be extended up to a total of eighteen months in individual cases.

RULE 61.—*Temporary appointments*

(a) Temporary appointments are granted for such periods and under such conditions as the Secretary-General may determine.

(b) Temporary appointments to posts which are normally filled by local recruitment (see rule 52) shall ordinarily exclude eligibility for allowances and benefits designed for staff members recruited from outside the local area.

RULE 62.—*Medical examination*

An examination by a qualified member of the medical profession, wherever practicable, is a prerequisite for appointment. No indeterminate appointment shall be granted until the medical officer of the Organization has issued a certificate that the staff member is free from any defect or disease that would interfere with the proper discharge of his duties.

RULE 63.—*Letter of appointment*

Upon appointment every staff member shall receive a letter of appointment signed by the Secretary-General or his authorized representative.

RULE 64.—*Travel and removal expenses upon appointment*

In accordance with the conditions specified in chapter VII, a staff member, upon appointment, shall receive payment of travel expenses for himself, his wife and dependent children, and reimbursement

ans, pour des raisons afférentes à la qualité du travail, la compétence et l'intégrité de l'intéressé.

b) Le Secrétaire général instituera un comité des nominations chargé d'examiner et d'apprécier les titres des personnes recommandées en vue d'un engagement d'une durée indéterminée.

c) Un stage de 12 mois de service interrompu sera exigé avant la confirmation d'un engagement d'une durée indéterminée; étant entendu qu'il sera fait état, à cet effet, du service accompli avant la date effective de nomination à concurrence de 9 mois au maximum. La durée du stage pourra être portée jusqu'à 18 mois dans des cas particuliers.

ARTICLE 61.—*Nomination à titre temporaire*

a) Des contrats temporaires seront donnés pour la durée et aux conditions fixées par le Secrétaire général.

b) Les engagements à titre temporaire pour des postes qui sont normalement pourvus par voie de recrutement sur place (article 52) ne donneront pas droit, en règle générale, aux indemnités et avantages prévus pour les membres du personnel recrutés hors de la région.

ARTICLE 62.—*Examen médical*

Dans toute la mesure du possible, les membres du personnel devront subir, avant leur nomination, un examen médical effectué par un médecin dûment qualifié. Il ne sera fait d'engagement d'une durée indéterminée que lorsque le médecin de l'Organisation aura délivré un certificat attestant que le candidat est exempt de toute infirmité ou maladie de nature à l'empêcher de s'acquitter convenablement de ses fonctions.

ARTICLE 63.—*Lettre d'engagement*

Tout membre du personnel reçoit, au moment de sa nomination une lettre d'engagement signée par le Secrétaire général ou par son représentant dûment qualifié.

ARTICLE 64.—*Frais de voyage et de déménagement à l'occasion de la nomination*

Tout membre du personnel recevra, lorsqu'il sera nommé à un poste, le montant de ses frais de voyage, de ceux de sa femme et des enfants à sa charge, conformément aux conditions prescrites au

for the cost of moving household goods and other personal effects.

RULE 65.—Periodic reporting on staff members

Periodic performance reports shall be made in respect of each staff member and shall form a part of his permanent cumulative record.

**CHAPTER IV
PROMOTIONS**

RULE 70.—Definition of promotion

A promotion is the advancement of a staff member to a higher grade.

RULE 71.—Promotion policy

Vacant posts shall be filled by the best qualified persons available, due consideration being given to:

(a) Selection of staff members in preference to outside candidates;

(b) Maintenance of the staff on a wide geographical basis, and

(c) Reinforcement of staff through inflow of recruits at the various levels.

RULE 72.—Promotion Boards

Promotion Boards established by the Secretary-General shall consider and advise on the qualifications of staff members for promotion.

**CHAPTER V
LEAVE**

RULE 75.—Accrual of annual leave

(a) Staff members are entitled to annual leave accruing at the rate of two and one-half working days for each calendar month during which they are in pay status.

(b) Annual leave does not accrue to a staff member while he is on leave without pay or during suspension from duty without pay.

Chapitre VII; les frais de déménagement et de transport de son mobilier et de ses autres effets personnels lui seront également remboursés.

ARTICLE 65.—Rapports périodiques sur les membres du personnel

Des rapports périodiques seront établis sur la façon dont chaque membre du personnel s'acquitte de ses fonctions; ces rapports seront versés au dossier permanent de l'intéressé.

**CHAPITRE IV
PROMOTIONS**

ARTICLE 70.—Définition de la promotion

On entend par promotion l'avancement d'un membre du personnel par sa nomination à un poste d'une classe supérieure à celle du poste qu'il occupe.

ARTICLE 71.—Politique en matière de promotion

Les postes vacants seront attribués aux personnes les plus qualifiées, compte tenu, comme il convient, des considérations suivantes:

a) les membres du personnel doivent être choisis de préférence aux candidats qui ne font pas partie de l'Organisation;

b) Il faut s'attacher à maintenir une répartition géographique aussi large que possible parmi le personnel; et

c) l'effectif doit être augmenté par l'engagement de personnel pour les différentes catégories de postes.

ARTICLE 72.—Comités des nominations

Des comités institués par le Secrétaire général examineront les titres des membres du personnel et donneront des avis au sujet de leur avancement.

**CHAPITRE V
CONGÉS**

ARTICLE 75.—Mode de décompte du congé annuel

a) Les membres du personnel ont droit à un congé annuel à raison de deux jours et demi ouvrables par mois entier de service.

b) Il n'est pas attribué de congé annuel à un membre du personnel pour la période pendant laquelle il est en congé sans traitement ou suspendu de ses fonctions sans traitement.

(c) Any absence not specifically covered by other provisions in these rules shall be chargeable to annual leave.

RULE 76.—*Maximum accumulation of leave*

(a) Annual leave may be accumulated up to a maximum of one hundred working days.

(b) Not more than fifteen days of annual leave shall be carried forward from the calendar year in which it has accrued, provided that the Secretary-General may exempt staff members who are on special assignments.

RULE 77.—*Taking of annual leave*

Annual leave may be taken in units of days and half days, subject to the exigencies of the service and appropriate supervisory approval.

RULE 78.—*Advancing of annual leave*

A staff member may, in exceptional circumstances, be granted advance annual leave up to a maximum of ten working days.

RULE 79.—*Salary due during leave periods*

A staff member may receive in advance salary which will fall due during leave periods.

RULE 80.—*Home leave*

(a) A staff member whose home is outside the country of his official duty station shall receive, in addition to annual leave, home leave consisting of two working weeks every two years, plus actual travelling time not to exceed thirty days, by an approved route and type of transport to and from the place established as his home.

(b) A staff member whose home is in the country of his official duty station shall receive, in addition to annual leave, home leave consisting only of actual travelling time, not to exceed thirty days, every two years by an approved route and type of transport to and from the place established as his home.

c) Toute absence qui n'est pas expressément couverte par d'autres dispositions du présent règlement est déduite du congé annuel.

ARTICLE 76.—*Durée maximum du congé accumulable*

a) Le congé annuel peut se cumuler jusqu'à un maximum de cent jours ouvrables.

b) On ne peut reporter plus de quinze jours sur le congé annuel acquis au cours d'une année donnée; toutefois, le Secrétaire général peut faire une exception pour des membres du personnel chargés de fonctions spéciales.

ARTICLE 77.—*Utilisation des congés annuels*

Le congé annuel peut être pris par journée ou demi-journée, autant que les exigences du service le permettent et avec l'approbation de l'autorité compétente.

ARTICLE 78.—*Congé annuel anticipé*

Un membre du personnel peut, dans des circonstances exceptionnelles, obtenir un congé annuel anticipé, d'une durée maximum de dix jours ouvrables.

ARTICLE 79.—*Traitement échu pendant la période de congé*

Un membre du personnel peut recevoir, par anticipation, le traitement qui viendra à échéance pendant son congé.

ARTICLE 80.—*Congé dans les foyers*

a) Les membres du personnel dont les foyers sont situés en dehors du pays où ils exercent leurs fonctions ont droit, tous les deux ans, en plus de leur congé annuel, à un congé dans leurs foyers, de douze jours ouvrables, augmenté du temps nécessaire pour le voyage, ce temps ne devant pas excéder trente jours, par un itinéraire et un moyen de transport approuvés, en direction et en provenance du lieu reconnu comme étant le lieu de leurs foyers.

b) Un membre du personnel dont les foyers sont situés dans le pays où il exerce ses fonctions a droit tous les deux ans, en plus de son congé annuel, à un congé dans ses foyers, d'une durée égale au temps nécessaire pour le voyage, ce temps ne devant pas dépasser 30 jours par un itinéraire et un moyen de transport approuvés en direction et en provenance du lieu reconnu comme étant le lieu de ses foyers.

(c) Normally, periods of home leave shall not be accumulated.

(d) The Secretary-General may require that home leave be taken in connection with official travel to the vicinity of the staff member's home country.

(e) A staff member shall not receive payment for or be credited with additional annual leave in lieu of home leave not taken.

RULE 81.—*Advance home leave*

Advance home leave may be granted under specific conditions.

RULE 82.—*Annual leave combined with home leave*

Normally, accrued annual leave should be added to home leave or advance home leave to the extent the exigencies of the service permit.

RULE 83.—*Travel expenses*

For purposes of home leave, a staff member shall receive payment of travel expenses for himself, his wife and dependent children in accordance with the conditions prescribed in chapter VII.

RULE 84.—*Definition of sick leave*

Sick leave is leave of absence with full pay which a staff member is granted when incapacitated from the performance of his duty by illness or injury.

RULE 85.—*Accrual of sick leave*

Sick leave shall accumulate at the rate of one and one-half working days per month in pay status up to a maximum of ninety working days.

RULE 86.—*Sick leave certificate*

(a) A staff member who is absent on account of illness or accident for more than three consecutive working days, shall file a certificate from a qualified member of the medical profession, indicating the

c) En principe, les périodes de congé dans les foyers ne se cumulent pas.

d) Le Secrétaire général peut demander que le congé dans les foyers soit pris à l'occasion d'un voyage officiel à proximité du pays dans lequel sont situés les foyers de l'intéressé.

e) Si un membre du personnel n'a pas pris son congé dans ses foyers, il ne lui sera ni compté ni payé de congé annuel supplémentaire.

ARTICLE 81.—*Congé anticipé dans les foyers*

Dans des circonstances exceptionnelles, un membre du personnel pourra être autorisé à prendre son congé dans ses foyers par anticipation.

ARTICLE 82.—*Faculté d'ajouter le congé annuel au congé dans les foyers*

En principe, le congé annuel acquis doit s'ajouter au congé dans les foyers, ou au congé dans les foyers anticipé, dans la mesure où les exigences du service le permettront.

ARTICLE 83.—*Frais de voyage*

Pour se rendre en congé dans ses foyers, un membre du personnel aura droit au paiement des frais de voyage pour lui-même, sa femme et les enfants à sa charge, dans les conditions prescrites au Chapitre VII.

ARTICLE 84.—*Définition du congé de maladie*

Le congé de maladie est une autorisation d'absence à plein traitement, accordée à un membre du personnel qui, par suite de maladie ou d'accident, se trouve dans l'impossibilité d'exercer ses fonctions.

ARTICLE 85.—*Mode de décompte du congé de maladie*

Les membres du personnel ont droit à un congé de maladie, à raison d'un jour et demi ouvrable par mois entier de service, jusqu'à un maximum de quatre-vingt-dix jours ouvrables.

ARTICLE 86.—*Certificat à fournir en cas de congé de maladie*

a) Un membre du personnel qui s'absente, pour raison de maladie ou d'accident, pendant plus de trois jours ouvrables consécutifs, doit présenter un certificat d'un médecin qualifié indiquant la

nature and probable duration of the illness and stating that the staff member is unable to perform his duties. In cases of continued illness, a further certificate shall be filed at the end of each ten working days.

(b) After a staff member has taken periods of non-certified sick leave totalling more than twelve working days within a calendar year, any additional sick leave within that year shall either be supported by a medical certificate, deducted from annual leave or charged as special leave without pay.

(c) The Secretary-General may designate a medical officer to visit staff members who are on sick leave.

RULE 87.—*Advancing of sick leave*

A staff member may, if necessary, be granted advance sick leave up to a maximum of thirty working days.

RULE 88.—*Maternity leave*

(a) Staff members with temporary appointments who have served two years or who will have served two years at the time of confinement, and staff members with indeterminate appointments which have been confirmed after the probationary period has been served will be given six weeks of pre-natal and six weeks of post-natal maternity leave on full pay.

(b) Staff members, other than those mentioned in (a) above, shall be given their accrued annual and sick leave. Where this accrued leave is insufficient to cover the absence, requests for special leave without pay may be made under rule 90.

RULE 89.—*Medical certificate*

Requests for maternity leave and for return to duty afterwards shall be supported by medical certificates. Return to duty shall be approved by the United Nations medical officer.

RULE 90.—*Special leave*

(a) Special leave, with full or partial pay or without pay, may be granted for advanced study or research in the interest of the United Nations, in cases of ex-

nature et la durée probable de la maladie et l'incapacité de l'intéressé à remplir ses fonctions. Dans le cas où la maladie se prolonge, l'intéressé devra fournir un nouveau certificat à la fin de chaque période de dix jours ouvrables.

b) Lorsqu'au cours d'une année un membre du personnel a pris, sans certificat à l'appui, des congés de maladie dont le total dépasse douze jours ouvrables, tout autre congé de maladie pris pendant l'année considérée devra être justifié par un certificat médical et sera déduit du congé annuel ou compté comme congé spécial sans traitement.

c) Le Secrétaire général peut désigner un médecin qui se rendra auprès des membres du personnel en congé de maladie.

ARTICLE 87.—*Congé de maladie anticipé*

En cas de besoin, un membre du personnel peut obtenir un congé de maladie anticipé, jusqu'à un maximum de trente jours ouvrables.

ARTICLE 88.—*Congé de maternité*

a) Les membres du personnel engagés à titre temporaire qui ont ou auront deux ans de service dans l'Organisation au moment de l'accouchement et les membres du personnel dont l'engagement d'une durée indéterminée a été confirmé après un stage, bénéficieront d'un congé de maternité à plein traitement, à raison de six semaines avant et de six semaines après l'accouchement.

b) Les membres du personnel autres que ceux qui sont visés au paragraphe a) ci-dessus, se verront accorder le congé annuel et le congé de maladie qu'ils ont acquis. Dans le cas où ces deux congés réunis ne suffiraient pas, une demande de congé spécial sans traitement peut être faite en vertu de l'article 90.

ARTICLE 89.—*Certificat médical*

Les demandes de congé de maternité et de reprise ultérieure du service doivent être présentées avec certificat médical à l'appui. La reprise du service doit être approuvée par le médecin des Nations Unies.

ARTICLE 90.—*Congés spéciaux*

a) Des congés spéciaux, avec plein traitement, traitement partiel, ou sans traitement, peuvent être accordés pour permettre de poursuivre des études ou des

tended illness, or for other exceptional or urgent reasons.

(b) Normally, special leave without pay shall be granted only after all accrued annual leave has been exhausted.

CHAPTER VI

SEPARATIONS

RULE 100.—*Definitions*

(a) A resignation is a separation initiated by a staff member.

(b) A termination is a separation initiated by the United Nations (other than dismissal for disciplinary reasons).

(c) A dismissal is a disciplinary separation required by the United Nations because of serious misconduct or delinquency (see chapter IX).

RULE 101.—*Notice of resignation*

(a) Staff members having indeterminate appointments may resign their posts on giving three months' notice in writing.

(b) Staff members having temporary appointments may resign their posts on giving thirty days' notice in writing.

(c) The Secretary-General may accept resignations on shorter notice.

RULE 102.—*Termination*

The Secretary-General may terminate the appointment of a member of the staff in accordance with the terms of his appointment if made under the provisions of rule 61, or if the necessities of the service require the abolition of the post or a reduction of the staff, or if the services of the individual concerned prove unsatisfactory.

RULE 103.—*Notice of termination*

(a) If an indeterminate appointment is to be terminated for any of the reasons stated in rule 102 after the probationary period has been completed, the staff member will receive at least three months' written notice. The Secretary-General may authorize salary payment in lieu of this notice period.

recherches dans l'intérêt de l'Organisation, ou en cas de maladie prolongée, ainsi que pour d'autres raisons urgentes ou exceptionnelles.

b) En principe, les congés spéciaux sans traitement ne seront accordés qu'après épuisement de tout le congé annuel acquis.

CHAPITRE VI

CESSATION DE SERVICE

ARTICLE 100.—*Définitions*

a) Le terme "démission" s'applique à la cessation de service lorsqu'elle résulte de l'initiative d'un membre du personnel.

b) Le terme "licenciement" s'applique à la cessation de service lorsqu'elle résulte d'une décision de l'Organisation des Nations Unies, décision ne comportant pas renvoi pour raison disciplinaire.

c) Le terme "renvoi" signifie cessation de service de caractère disciplinaire exigée par l'Organisation des Nations Unies en raison d'une faute grave ou d'un délit (voir chapitre IX).

ARTICLE 101.—*Préavis de démission*

a) Les membres du personnel nommés pour une durée indéterminée peuvent démissionner moyennant préavis de trois mois donné par écrit.

b) Les membres du personnel nommés à titre temporaire peuvent démissionner moyennant préavis de trente jours donné par écrit.

c) Le Secrétaire général a toute latitude pour abréger le préavis de démission.

ARTICLE 102.—*Licenciement*

Le Secrétaire général peut résilier l'engagement d'un membre du personnel dans les conditions prévues par son engagement si celui-ci a été établi conformément aux dispositions de l'article 61, ou si les nécessités du service exigent la suppression du poste ou une réduction de personnel, ou si les services de l'intéressé ne donnent pas satisfaction.

ARTICLE 103.—*Préavis de licenciement*

a) Si un engagement d'une durée indéterminée doit être résilié pour l'une des raisons énoncées à l'article 102, après l'achèvement du stage, un préavis d'au moins trois mois sera donné par écrit au membre du personnel intéressé. Avec l'autorisation du Secrétaire général, ce préavis peut être remplacé par le paiement du traitement de la période correspondante.

(b) Staff members serving their probationary periods for indeterminate appointments may be terminated at any time upon thirty days' written notice.

(c) Staff members having temporary appointments may be terminated at any time upon thirty days' written notice or as otherwise provided in the terms of their appointments.

RULE 104.—*Reduction in force*

In the termination of appointments due to reduction in force or abolition of posts, due consideration shall be given to the terms of the appointments, competence and integrity, nationality from the point of view of overall geographical distribution, and length of service.

RULE 105.—*Age of retirement*

The normal age of retirement for staff members shall be sixty years. In exceptional circumstances, the Secretary-General may extend this age limit up to sixty-five years.

RULE 106.—*Certificate of service*

Any staff member who so requests shall, on leaving the service of the United Nations, be given a certificate relating to the nature of his duties and the length of his service. On the written request of the staff member concerned, the certificate shall also refer to the quality of his work and his official conduct.

RULE 107.—*Indemnity for termination*

(a) Staff members having indeterminate appointments and terminated under rule 102 shall be paid an indemnity equivalent to at least three months' salary. The amount of this indemnity may be increased with length of service up to a maximum of nine months' salary.

(b) Staff members having other than indeterminate appointments and terminated under rule 102 may be paid an indemnity according to the conditions of their appointments.

b) L'engagement des membres du personnel peut être résilié à tout moment pendant le stage précédent les nominations pour une durée indéterminée, moyennant préavis de trente jours donné par écrit.

c) L'engagement des membres du personnel nommés à titre temporaire peut être résilié à tout moment, moyennant préavis de trente jours donné par écrit ou selon d'autres conditions prévues dans leur contrat.

ARTICLE 104.—*Réduction des effectifs*

En cas de résiliation de contrats par suite de réduction des effectifs ou de suppression de postes, on tiendra dûment compte des conditions d'engagement de l'intéressé, de sa compétence et de son intégrité, de sa nationalité, considérée du point de vue de la répartition géographique du personnel en général, et de son ancienneté de service.

ARTICLE 105.—*Age de la retraite*

L'âge normal de la retraite pour les membres du personnel est de 60 ans. Dans des circonstances exceptionnelles, le Secrétaire général peut reculer cette limite d'âge jusqu'à 65 ans.

ARTICLE 106.—*Certificat relatif aux services de l'intéressé*

Tout membre du personnel qui en exprime le désir recevra, en quittant le service de l'Organisation, un certificat indiquant quelles ont été ses fonctions et la durée de son service. Sur demande écrite de l'intéressé, ce certificat indiquera également la qualité de son travail et sa conduite en tant que membre du personnel de l'Organisation.

ARTICLE 107.—*Indemnité de licenciement*

a) Les membres du personnel nommés pour une durée indéterminée et dont l'engagement est résilié en vertu de l'article 102, ont droit à une indemnité égale, au minimum, à trois mois de traitement. Le montant de cette indemnité peut augmenter proportionnellement à la durée des services, sans pouvoir dépasser l'équivalent de neuf mois de traitement.

b) Les membres du personnel, autres que ceux qui sont nommés pour une durée indéterminée, dont l'engagement prend fin dans les conditions prévues par l'article 102, peuvent toucher une indemnité selon les conditions auxquelles ils ont été engagés.

(c) No indemnity shall be paid if:

(i) The staff member resigns, except where termination notice has been given by the United Nations and the termination date agreed upon;

(ii) The staff member is summarily dismissed.

RULE 108.—*Special provisions—Leave*

Upon separation, a staff member who has not exhausted the annual leave to which he is entitled shall be paid a sum equivalent to his base salary for the period involved.

RULE 109.—*Special provisions—Provident Fund*

Upon separation of a staff member who is a current contributor to the Staff Provident Fund, he shall be paid the amount standing to his credit in the Fund.

RULE 110.—*Special provisions—Pension Scheme*

Upon separation, a staff member who is a participant in the United Nations Joint Staff Pension Scheme shall be entitled to any withdrawal benefits provided thereunder.

RULE 111.—*Indebtedness to the United Nations*

Any indebtedness of a staff member to the United Nations shall be deducted from the monies due to him.

RULE 112.—*Payments to beneficiaries of deceased staff members*

In the event of the death of a staff member, all amounts standing to his credit will be paid to his nominated beneficiary subject to set-off of any amount or amounts owing by the deceased to the United Nations.

RULE 113.—*Travel and removal expenses upon separation*

(a) In accordance with the conditions prescribed in chapter VII, a staff member, upon separation, shall receive payment of travel expenses for himself, wife, and dependent children to the place from which he was recruited, except that:

c) Il ne sera payé aucune indemnité:

(i) Si l'intéressé démissionne, sauf lorsque les Nations Unies ont déjà donné un avis de résiliation et que les deux parties se sont mises d'accord sur la date de son départ,

(ii) Si l'intéressé est l'objet d'un renvoi sommaire.

ARTICLE 108.—*Dispositions spéciales concernant les congés*

Tout membre du personnel quittant les services de l'Organisation qui n'a pas pu prendre la totalité du congé annuel qui lui revient, recevra une somme égale à son traitement de base pendant la période correspondante.

ARTICLE 109.—*Dispositions spéciales concernant la Caisse de prévoyance*

Lorsque les services d'un membre du personnel qui verse régulièrement sa contribution à la Caisse de prévoyance prennent fin, le montant figurant au crédit du compte de l'intéressé lui est remis.

ARTICLE 110.—*Dispositions spéciales concernant la Caisse des pensions*

Quand les services d'un membre du personnel affilié à la Caisse commune des pensions du personnel des Nations Unies cessent, il a droit à toutes prestations prévues en pareil cas.

ARTICLE 111.—*Dettes envers les Nations Unies*

Quand un membre du personnel cesse ses fonctions auprès des Nations Unies, toute somme qu'il doit à l'Organisation est déduite du montant qui lui est dû.

ARTICLE 112.—*Versements aux ayant-droit de tout membre du personnel décédé*

En cas de décès d'un membre du personnel, toutes les sommes portées à son crédit seront versées aux ayant-droit désignés par lui, déduction faite de tout montant dû par le défunt aux Nations Unies.

ARTICLE 113.—*Frais de voyage et de déménagement en cas de cessation de service*

Conformément aux conditions prescrites au chapitre VII, tout membre du personnel recevra, lorsque ses fonctions auprès de l'Organisation cesseront, le montant des frais de voyage pour lui-même, pour sa femme et pour les enfants à sa charge jusqu'au lieu où il a été recruté, sauf dans le cas suivant:

a staff member having an indeterminate appointment, an appointment of two years or more, or who has had continuous service of two years or more shall be entitled to receive payment of travel expenses to the place established as his home under rule 80, if different from the place from which recruited.

(b) In accordance with the conditions prescribed in rule 125, a staff member, upon separation, shall receive payment for expenses in connection with the removal of household goods and other personal effects.

CHAPTER VII

TRAVEL

RULE 120.—*Applicability to staff members*

Subject to conditions prescribed by the Secretary-General, the United Nations shall pay the travel expenses of a staff member when travelling:

- (a) Upon appointment;
- (b) Upon official business;
- (c) Upon change of official duty station;
- (d) On home leave;
- (e) Upon separation.

RULE 121.—*Travel expenses of staff members*

Travel expenses approved under rule 120 shall include:

- (a) Transportation expenses;
- (b) Travel subsistence allowance;
- (c) Necessary additional expenses during travel.

Staff members shall exercise the same care in incurring expenses that a prudent person would exercise if travelling on personal business.

RULE 122.—*Routing of travel*

Travel shall be by the most economical route, unless the official necessity for travel by other routes is established.

RULE 123.—*Advances*

Staff members travelling on official business are entitled to a reasonable advance of funds against the estimated travel expenses.

Tout membre du personnel ayant un engagement d'une durée indéterminée, qui a été nommé pour 2 ans ou plus ou qui a servi sans interruption pendant 2 ans ou plus aura droit au montant des frais de voyage jusqu'au lieu reconnu, aux termes de l'article 80, comme étant celui de ses foyers, si ce lieu n'est pas celui où il a été recruté.

Conformément aux conditions prévues à l'article 125, tout membre du personnel dont les fonctions cessent recevra le montant des dépenses afférentes au déménagement de ses meubles et autres objets personnels.

CHAPITRE VII

VOYAGES

ARTICLE 120.—*Champ d'application*

L'Organisation des Nations Unies prendra à sa charge, aux conditions prescrites par le Secrétaire général, les frais de voyage des membres du personnel:

- a) Lorsque les intéressés seront nommés,
- b) Lorsqu'ils seront en mission,
- c) Lorsqu'ils changeront de résidence pour les besoins du service,
- d) Lorsqu'ils iront en congé dans leurs foyers,
- e) Lorsque leurs fonctions auprès de l'Organisation cesseront.

ARTICLE 121.—*Frais de voyage des membres du personnel*

Les frais de voyage dont le paiement est autorisé par l'article 120 comprendront:

- a) Les frais de transport,
- b) L'indemnité de subsistance,
- c) Les autres dépenses nécessaires au cours du voyage.

Les membres du personnel montreront dans leurs dépenses la modération dont ferait preuve une personne avisée voyageant pour ses affaires personnelles.

ARTICLE 122.—*Itinéraire à suivre*

L'itinéraire choisi sera le plus économique, sauf s'il est prouvé que les nécessités du service exigent que le voyage s'effectue par un autre itinéraire.

ARTICLE 123.—*Avances*

Les membres du personnel voyageant à titre officiel pourront demander une avance d'un montant suffisant pour couvrir les frais de voyage envisagés.

RULE 124.—*Travel expenses of dependents*

Subject to conditions prescribed by the Secretary-General, the United Nations shall pay the transportation expenses and travel subsistence allowance and authorized additional expenses for the wife and dependent children of a staff member when travelling:

(a) Upon appointment, provided that the staff member is appointed for a period of not less than one year;

(b) On home leave;

(c) Upon separation, provided that the staff member was appointed for a period of not less than one year;

(d) Upon change of official duty station.

In addition, the United Nations shall pay transportation expenses in connection with approved education grants.

RULE 125.—*Removal expenses*

Subject to conditions prescribed by the Secretary-General, the United Nations shall pay expenses in connection with the removal of household goods and other personal effects of a staff member:

(a) Upon appointment for a period of not less than two years.

(b) Upon change of official duty station.

(c) Upon separation, provided that he was appointed, or has served, for a period of not less than two years.

RULE 126.—*Transportation of decedents*

(a) When a staff member dies, the United Nations shall pay, subject to conditions prescribed by the Secretary-General, the expenses of preparing and transporting the remains from his official duty station, or if on official travel, from the place of death to his home.

(b) The dependents of a deceased staff member are entitled to return transportation irrespective of the type of appointment under which the deceased staff member served.

ARTICLE 124.—*Frais de voyage des personnes à charge*

L'Organisation des Nations Unies paiera, aux conditions prescrites par le Secrétaire général, les frais de transport, l'indemnité de subsistance et les dépenses supplémentaires autorisées pour la femme et les enfants à la charge des membres du personnel:

a) Lorsque les membres du personnel sont nommés, à la condition que la nomination soit faite pour une période d'un an au moins,

b) Lorsqu'ils vont en congé dans leurs foyers,

c) Lors de la résiliation du contrat à condition que l'intéressé ait été nommé pour une période d'un an au moins,

d) Lors d'un changement de résidence pour les besoins du service.

En outre, l'Organisation prendra à sa charge les frais du voyage des enfants bénéficiant d'une indemnité pour frais d'études.

ARTICLE 125.—*Frais de déménagement*

L'Organisation des Nations Unies prendra à sa charge, aux conditions prescrites par le Secrétaire général, les frais afférents au déménagement du mobilier et autres effets personnels des membres du personnel:

a) Lors de leur engagement pour une période de deux ans au moins;

b) En cas de transfert d'un lieu de travail officiel à un autre;

c) Lorsqu'ils quittent le service de l'Organisation à la condition qu'ils aient été engagés pour une période de deux ans au moins ou qu'ils aient accompli au moins deux ans de service.

ARTICLE 126.—*Transport du corps des membres du personnel décédés*

a) Lorsqu'un membre du personnel viendra à mourir, l'Organisation des Nations Unies prendra à sa charge, aux conditions prescrites par le Secrétaire général, les dépenses afférentes à l'embaumement et au transport du corps depuis le lieu où le défunt exerçait ses fonctions ou, s'il était en mission, depuis le lieu où il est mort, jusqu'à son lieu d'origine.

b) Les personnes à la charge d'un membre du personnel qui meurt ont droit au paiement de leur voyage de retour quelle qu'ait été la nature de l'engagement du défunt.

(c) The provisions of (a) shall apply to a staff member's dependents who were entitled to return transportation under rule 124.

c) Les dispositions de l'alinéa a) s'appliquent aux personnes à la charge du membre du personnel qui ont droit au voyage de retour, aux termes de l'article 124.

CHAPTER VIII

STAFF COMMITTEE

RULE 135.—*Staff Committee*

A Staff Committee, elected by staff members to represent their views, shall be consulted on general questions relating to staff administration and welfare. This shall not apply in emergency situations.

CHAPITRE VIII

COMITÉ DU PERSONNEL

ARTICLE 135.—*Comité du personnel*

Un comité de représentants du personnel, élus par les membres du personnel pour exposer leur point de vue, sera consulté sur les questions générales d'administration et de bien-être intéressant le personnel. Cette règle ne sera pas applicable en cas d'urgence.

CHAPTER IX

DISCIPLINARY MEASURES

RULE 140.—*Disciplinary measures*

(a) The Secretary-General may impose disciplinary measures on staff members whose conduct is unsatisfactory.

(b) Disciplinary measures include written censure, suspension without pay, transfer to an inferior post, dismissal with regular notice, or summary dismissal.

CHAPITRE IX

MESURES DISCIPLINAIRES

ARTICLE 140.—*Mesures disciplinaires*

a) Le Secrétaire général peut prendre des mesures disciplinaires à l'égard de membres du personnel dont la conduite ne donne pas satisfaction.

b) Les mesures disciplinaires comprennent le blâme écrit, la suspension sans traitement, la rétrogradation, le licenciement avec préavis réglementaire, ou le renvoi sommaire.

RULE 141.—*Opportunity to answer charges*

No staff member shall be subjected to a disciplinary measure without being given a prior opportunity to state his case in writing.

ARTICLE 141.—*Possibilité de défense*

Aucun membre du personnel ne pourra être frappé de mesures disciplinaires sans qu'il ait eu, au préalable, la possibilité d'exposer son cas par écrit.

RULE 142.—*Suspension pending investigation*

If a charge of serious misconduct is made against a staff member and the Secretary-General considers that the charge is prima facie well founded and that the staff member's continuance in office pending an investigation of the charge would prejudice the service, the staff member may be suspended with or without pay from his functions pending investigation, the suspension being without prejudice to the rights of the staff member.

ARTICLE 142.—*Suspension en attendant les résultats de l'enquête*

Si un membre du personnel est accusé de faute grave et si le Secrétaire général considère, à première vue, que l'accusation est fondée et que le maintien en fonction du membre en question, en attendant les résultats de l'enquête, nuirait au service, ce membre peut être suspendu de ses fonctions avec ou sans traitement pendant la durée de l'enquête, sans préjudice de ses droits.

CHAPTER X

APPEALS BOARD

RULE 145.—*Terms of reference*

(a) An Appeals Board shall be established for the purpose of advising the

CHAPITRE X

COMITÉ D'APPEL

ARTICLE 145.—*Compétence du Comité*

a) Il sera créé un Comité d'appel ayant pour fonctions de donner au Secrétaire

Secretary-General, with whom the final decision will rest, with regard to the following appeals by staff members:

(i) Appeals against any decision regarding the application of the Staff Rules or of established administrative practices to the termination of appointments;

(ii) Appeals alleging non-observance of agreed terms of appointment;

(iii) Appeals against disciplinary action;

(iv) Claims for allowances;

(v) Appeals of such other character as the Secretary-General may specify.

(b) The Appeals Board may, if the Secretary-General approves, render advisory opinions on matters not under appeal.

RULE 146.—*Composition*

(a) The Appeals Board shall consist of five members having equal votes, appointed as follows:

(i) A chairman appointed by the Secretary-General after consultation with the Staff Committee. One or more alternate chairmen may be appointed in the same manner;

(ii) Two members appointed by the Secretary-General;

(iii) Two members representing the staff.

(b) The two members representing the staff ((iii) above) shall be drawn from a panel organized in three groups:

Group I—staff in grades 1 through 8

Group II—staff in grades 9 through 14

Group III—staff in grades 15 through 19

The members of this panel shall be elected annually by ballot by the staff members. Twelve members shall be elected in each of the groups defined above. In hearings by the Board at least one member shall be from the group to which the staff member appealing to the Board belongs and none shall be in a group below the group to which he belongs. Subject to this rule, the members of each group shall be called upon in rotation by the Secretary of the Board, as required, to constitute the Appeals Board. The staff member appealing to the Board

général, qui conservera un droit de décision final, des avis sur les appels présentés par les membres du personnel; à savoir:

(i) Les appels présentés contre toute décision relative à l'application du règlement du personnel ou des usages administratifs afférents aux licenciements.

(ii) Les appels fondés sur la non observation des clauses de contrats de nomination.

(iii) Les appels présentés contre les licenciements pour motifs disciplinaires.

(iv) Les réclamations relatives aux indemnités.

(v) Les appels de toute autre nature que le Secrétaire général pourra décider de référer au Comité.

b) Le Comité pourra, avec l'approbation du Secrétaire général, fournir des avis consultatifs sur des questions qui ne font pas l'objet d'un appel.

ARTICLE 146.—*Composition du Comité*

a) Le Comité d'appel sera composé de cinq membres qui jouiront d'un droit égal de vote, et qui seront nommés de la façon suivante:

(i) Un président nommé par le Secrétaire général, après avoir consulté le Comité du personnel. Un ou plusieurs présidents suppléants pourront être nommés dans les mêmes conditions.

(ii) Deux membres nommés par le Secrétaire général.

(iii) Deux membres représentant le personnel.

b) Les deux membres représentant le personnel (voir (iii) ci-dessus) seront pris sur une liste divisée en trois groupes:

Le groupe I comprendra des membres du personnel des classes 1 à 8

Le groupe II comprendra des membres du personnel des classes 9 à 14

Le groupe III comprendra des membres du personnel des classes 15 à 19

Les personnes portées sur cette liste seront élues annuellement par le personnel. Douze personnes seront élues pour chacun des trois groupes définis ci-dessus. Au cours des délibérations du Comité, l'un au moins des membres représentant le personnel devra faire partie du même groupe que le membre du personnel qui fait appel et aucun d'entre eux ne devra appartenir à un groupe inférieur. Sous réserve de l'application de cette règle, les membres de chaque groupe seront successivement appelés par le secrétaire du Comité à faire partie du Comité d'appel.

shall have the right to object to not more than two members from the staff panel, and in that event the next members due to serve from that panel shall be called in place of the members to whom objection has been taken.

(c) A Secretary, having no vote, shall be appointed by the Secretary-General to the Appeals Board.

RULE 147.—*Representation of the Staff Committee*

Unless the staff member appealing to the Board objects, the Staff Committee shall have the right to have a representative present at all sessions of the Board at which the representatives of the parties interested in the case may be present.

RULE 148.—*Procedure*

(a) The Secretary-General shall prescribe the procedure for filing appeals.

(b) The Appeals Board shall regulate its own procedure.

CHAPTER XI

STAFF WELFARE

RULE 150.—*United Nations Joint Staff Pension Scheme*

A staff member who is under sixty years of age at the time of appointment shall participate in the United Nations Joint Staff Pension Scheme in accordance with the Provisional Regulations, provided that his appointment is indeterminate, or provided that his temporary appointment is for a fixed period of one year or longer and his participation specified in the letter of appointment.

RULE 151.—*Staff Provident Fund*

(a) Staff members not subject to the regulations of the United Nations Joint Staff Pension Scheme, who were appointed before 28 January 1947 and whose terms of appointment so provide, shall participate in a Staff Provident Fund.

(b) A staff member under (a) shall contribute six per cent of his base salary to

Le membre du personnel faisant appel devant le Comité n'aura pas le droit de récuser plus de deux membres représentant le personnel. Lorsqu'il fera usage de ce droit, ce sont les membres appelés à siéger immédiatement après les membres récusés qui seront appelés à la place de ces derniers.

c) Un secrétaire, qui n'aura pas droit de vote et qui sera nommé par le Secrétaire général.

ARTICLE 147.—*Représentation du Comité du personnel*

A moins que le membre du personnel qui introduit un appel ne s'y oppose, le Comité du personnel aura le droit de se faire représenter par un de ses membres à toutes les réunions du Comité d'appel auxquelles les représentants des parties intéressées à l'affaire peuvent assister.

ARTICLE 148.—*Procédure*

a) Le Secrétaire général fixera la procédure de demande d'appel.

b) Le Comité d'appel déterminera sa propre procédure.

CHAPITRE XI

MESURES PRISES EN FAVEUR DU PERSONNEL

ARTICLE 150.—*Caisse commune des pensions du personnel des Nations Unies*

Tout membre du personnel âgé de moins de 60 ans au moment où il entre en fonctions doit s'affilier à la Caisse commune des pensions du personnel des Nations Unies, conformément au statut provisoire du personnel, à condition qu'il ait un engagement d'une durée indéterminée ou que son engagement soit fait pour une durée déterminée d'un an ou plus et que son affiliation à la Caisse des pensions soit spécifiée dans sa lettre d'engagement.

ARTICLE 151.—*Caisse de prévoyance du personnel*

a) Les membres du personnel qui ne sont pas soumis au statut de la Caisse commune des pensions du personnel des Nations Unies, qui ont été engagés avant le 28 janvier 1947 et pour lesquelles les conditions de leur engagement le prévoient, feront partie de la Caisse de prévoyance du personnel.

b) Un membre du personnel répondant aux conditions énoncées au paragraphe

the Staff Provident Fund. An equal amount shall be contributed by the United Nations for the staff member.

(c) A staff member who becomes subject to the regulations of the United Nations Joint Staff Pension Scheme shall not thereafter participate in the Staff Provident Fund and the amounts standing to his credit in that Fund shall be transferred to the Pension Fund.

RULE 152.—*Medical care*

Arrangements shall be made for the application to staff members on a suitable basis of health insurance and hospital service plans.

RULE 153.—*Compassionate benefits*

A staff member who is injured as the result of an accident incurred in the course of his duty or who is compelled to discontinue his employment as a result of sickness directly attributable to his work in the service of the United Nations, shall receive reasonable compensation. Should the staff member die in such circumstances, reasonable compensation shall be paid to his widow or such dependents as the Secretary-General may determine.

CHAPTER XII

HEADQUARTERS PERSONNEL PAID AT HOURLY RATES

RULE 160.—*Exceptions to general rules*

Subject to qualification in this chapter, all the rules in chapters I through XI shall apply to staff members paid at hourly rates, except the following:

- Rule 15—Privileges and immunities
- Rule 20—Schedule of annual salaries
- Rule 24(a)—Within-grade salary increases
- Rule 31—Installation allowance
- Rule 32—Installation grant
- Rule 33—Expatriation allowance
- Rule 34(b)—Rental allowance
- Rule 36—Education grant
- Rule 37—Representation allowances

Rule 64—Travel and removal expenses upon appointment

Rule 80—Home leave

a) ci-dessus versera à la Caisse de prévoyance du personnel 6 pour 100 de son traitement de base. L'Organisation des Nations Unies versera un montant équivalent pour le compte de ce membre du personnel.

c) Un membre du personnel qui s'affilie à la Caisse des pensions du personnel ne pourra, par la suite, faire partie de la Caisse de prévoyance du personnel; le montant des sommes figurant à son crédit à la Caisse de prévoyance sera transféré à la Caisse commune des pensions.

ARTICLE 152.—*Soins médicaux*

Des dispositions seront prises pour que les membres du personnel bénéficient, suivant les modalités qui conviendront, des soins médicaux et de l'hospitalisation.

ARTICLE 153.—*Secours*

Tout fonctionnaire qui est victime d'un accident en cours de service ou qui est obligé d'interrompre ses fonctions par suite de maladie directement imputable au travail qu'il accomplissait à l'Organisation, recevra une juste indemnité. En cas de décès survenu dans ces circonstances, une juste indemnité sera versée à sa veuve ou à telle des personnes se trouvant à sa charge, que déterminera le Secrétaire général.

CHAPITRE XII

PERSONNEL DU SIÈGE PAYÉ À L'HEURE

ARTICLE 160.—*Exceptions aux dispositions du statut*

Sous réserve des restrictions énoncées dans le présent chapitre, tous les articles des chapitres I à XI seront applicables au personnel payé à l'heure à l'exception des articles suivants:

- Article 15—Privilèges et immunités
- Article 20—Barème des traitements annuels
- Article 24a)—Echelons de traitement à l'intérieur des classes
- Article 31—Indemnité d'installation
- Article 32—Prime d'installation
- Article 33—Indemnité d'expatriation
- Article 34b)—Indemnité de logement
- Article 36—Indemnité pour frais d'études
- Article 37—Indemnité pour frais de représentation
- Article 64—Frais de voyage et de déménagement à l'occasion de la nomination
- Article 80—Congé dans les foyers

- Rule 81—Advance home leave
 Rule 82—Annual leave combined with home leave
 Rule 83—Travel expenses
 Rule 113—Travel and removal expenses upon separation
 Rule 120(a), (c), (d), (e)—Travel—Applicability to staff members
 Rule 124—Travel expenses of dependents
 Rule 125—Removal expenses

RULE 161.—Schedule of wage rates

(a) Wages of staff members paid on an hourly basis shall be on gross rates as shown below:¹

- Article 81—Congé anticipé dans les foyers
 Article 82—Faculté d'ajouter le congé annuel au congé dans les foyers
 Article 83—Frais de voyage
 Article 113—Frais de voyage et de déménagement en cas de cessation de service
 Article 120(a), (c), (d), (e)—Voyage—dispositions applicables aux membres du personnel
 Article 124—Frais de voyage des personnes à charge
 Article 125—Frais de déménagement

ARTICLE 161.—Barème des salaires

a) Les taux bruts des salaires des membres du personnel payés à l'heure sont indiqués ci-après:¹

Grade [Classe]	On appointment [À l'engagement]		After six months' satisfactory service [Après six mois de services satisfaisants]	
	Gross rate [Salaire brut]	Equivalent net rates for purposes of Provident Fund and Pension Scheme [Salaire net servant de base pour le calcul des cotisations à la Caisse de prévoyance et à la Caisse des pensions]	Gross rate [Salaire brut]	Equivalent net rates for purposes of Provident Fund and Pension Scheme [Salaire net servant de base pour le calcul des cotisations à la Caisse de prévoyance et à la Caisse des pensions]
(1)	(2)	(3)	(4)	(5)
	\$(U.S.)	\$(U.S.)	\$(U.S.)	\$(U.S.)
1	0 96	0 84	1 01	0 88
2	1 00	0 87	1 05	0 92
3	1 04	0 91	1 09	0 95
4	1 08	0 94	1 13	0 98
5	1 11	0 97	1 17	1 02
6	1 16	1 01	1 22	1 06
7	1 20	1 04	1 26	1 09
8	1 23	1 06	1 29	1 11
9	1 27	1 10	1 33	1 15
10	1 32	1 14	1 39	1 20
11	1 35	1 16	1 42	1 22
12	1 39	1 20	1 46	1 25
13	1 44	1 24	1 51	1 30
14	1 48	1 27	1 55	1 33
15	1 51	1 30	1 59	1 36
16	1 55	1 33	1 63	1 39
17	1 60	1 37	1 68	1 43
18	1 63	1 39	1 71	1 46
19	1 67	1 42	1 75	1 49
20	1 70	1 45	1 79	1 52
21	1 74	1 48	1 83	1 55
22	1 79	1 52	1 88	1 59

(b) For the purpose of the Staff Provident Fund and the United Nations Joint Staff Pension Scheme, the contributions shall be based on the equivalent net rates shown in columns (3) and (5) of the schedule.

b) Les cotisations à la Caisse de prévoyance et à la Caisse commune des pensions de l'Organisation des Nations Unies seront calculées sur la base des salaires nets correspondants expliqués dans les colonnes (3) et (5) du barème.

¹ The English and French tables have here been combined.—Ed.

RULE 162.—*Within-grade rate increases*

Staff members paid at hourly rates, who have given six months' satisfactory service, shall be eligible for one salary increase as shown in rule 161.

RULE 163.—*Compensation for overtime*

All compensation for overtime of hourly rate staff members shall be in cash.

CHAPTER XIII

PERSONNEL SPECIFICALLY ENGAGED FOR CONFERENCES AND OTHER SHORT TERM SERVICE

RULE 170.—*Applicability*

The rules of this chapter shall apply to those staff members who are appointed for the duration of the General Assembly, a specific conference, or for periods not exceeding four months.

RULE 171.—*Salaries and related allowances*

Staff members under rule 170 shall be paid on a gross basis and shall not be entitled to any additional allowances or any annual leave.

RULE 172.—*Exceptions to general rules*

Subject to qualifications in this chapter, all of the rules in chapters I through XI shall apply to staff members under rule 170, except the following:

- Rule 15—Privileges and immunities
- Rule 20—Schedule of annual salaries
- Rule 23—Extra compensation
- Rule 24—Within-grade salary increases

Rule 25—Salary policy in promotions

Rule 29—Allowances paid at dependency rates

Rule 30—Cost of living adjustment

Rule 31—Installation allowance

Rule 32—Installation grant

Rule 33—Expatriation allowance

Rule 34—Rental allowance and subsidy

Rule 35—Children's allowance

ARTICLE 162.—*Passage à un échelon supérieur dans une même classe*

Le personnel payé à l'heure qui aura exercé ses fonctions pendant six mois d'une manière satisfaisante pourra avancer d'un échelon conformément à l'article 161.

ARTICLE 163.—*Rémunération afférente aux heures supplémentaires*

Le personnel payé à l'heure touchera en espèces toute rémunération afférente aux heures supplémentaires.

CHAPITRE XIII

PERSONNEL EXPRESSÉMENT ENGAGÉ POUR DES CONFÉRENCES OU AUTRES PÉRIODES DE SERVICE DE COURTE DURÉE

ARTICLE 170.—*Champ d'application*

Les dispositions du présent chapitre seront applicables aux membres du personnel engagés pour la durée de l'Assemblée générale ou d'une conférence, ou pour une période maximum de quatre mois.

ARTICLE 171.—*Traitements et indemnités connexes*

Les membres du personnel visés à l'article 170 seront rémunérés sur la base d'un traitement brut et n'auront droit ni à une indemnité quelconque ni au congé annuel.

ARTICLE 172.—*Exceptions aux dispositions du statut*

Sous réserve des restrictions énoncées dans le présent chapitre, tous les articles des chapitres I à XI seront applicables au personnel visé à l'article 170, à l'exception des articles suivants:

- Article 15—Privilèges et immunités
- Article 20—Barème des traitements
- Article 23—Indemnité spéciale
- Article 24—L'passage à un échelon supérieur d'une même classe
- Article 25—Traitement à payer en cas de promotion
- Article 29—Majoration des indemnités dans le cas des fonctionnaires ayant des charges de famille
- Article 30—Indemnité de vie chère
- Article 31—Indemnité journalière d'installation
- Article 32—Prime d'installation
- Article 33—Indemnité d'expatriation
- Article 34—Indemnité et subvention pour le logement
- Article 35—Indemnité pour charges de famille

Rule 36—Education grant
 Rule 37—Representation allowances
 Rule 60—Indeterminate appointment
 Rule 65—Periodic reporting on staff members
 Rule 70—Definition of promotion
 Rule 71—Promotion policy
 Rule 72—Promotion Boards
 Rule 75—Accrual of annual leave
 Rule 76—Maximum accumulation of leave
 Rule 77—Taking of annual leave
 Rule 78—Advancing of annual leave
 Rule 79—Salary due during leave periods
 Rule 80—Home leave
 Rule 81—Advance home leave
 Rule 82—Annual leave combined with home leave
 Rule 83—Travel expenses
 Rule 87—Advancing of sick leave
 Rule 88—Maternity leave
 Rule 89—Medical certificate
 Rule 90—Special leave
 Rule 101—Notice of resignation
 Rule 103—Notice of termination
 Rule 104—Reduction in force
 Rule 105—Age of retirement
 Rule 107—Indemnity for termination
 Rule 108—Special provisions—Leave
 Rule 109—Special provisions—Provident Fund
 Rule 110—Special provisions—Pension Scheme
 Rule 121(b)—Travel expenses of staff members
 Rule 123—Advances
 Rule 124—Travel expenses of dependents
 Rule 125—Removal expenses
 Rule 150—United Nations Joint Staff Pension Scheme
 Rule 151—Staff Provident Fund
 Rule 152—Medical care

RULE 173.—*Notice of resignation*

(a) Staff members under rule 170 who are recruited from the local area may resign their posts on giving fifteen days' notice in writing.

(b) Staff members under rule 170 who are not recruited from the local area may resign their posts on giving thirty days' notice in writing.

(c) The Secretary-General may accept resignations on shorter notice.

Article 36—Indemnité pour frais d'études
 Article 37—Indemnités pour frais de représentation
 Article 60—Engagement d'une durée indéterminée
 Article 65—Rapports périodiques sur les membres du personnel
 Article 70—Définition de la promotion
 Article 71—Politique en matière de promotions
 Article 72—Comités des promotions
 Article 75—Mode de décompte du congé annuel
 Article 76—Durée maximum du congé accumulé
 Article 77—Utilisation des congés annuels
 Article 78—Congé annuel anticipé
 Article 79—Traitement échu pendant le période congé
 Article 80—Congé dans les foyers
 Article 81—Congé anticipé dans les foyers
 Article 82—Faculté d'ajouter le congé annuel au congé dans les foyers
 Article 83—Frais de voyage
 Article 87—Congé de maladie anticipé
 Article 88—Congé de maternité
 Article 89—Certificat médical
 Article 90—Congés spéciaux
 Article 101—Préavis de démission
 Article 103—Préavis de licenciement
 Article 104—Réduction des effectifs
 Article 105—Age de la retraite
 Article 107—Indemnité de licenciement
 Article 108—Dispositions spéciales - Congés
 Article 109—Dispositions spéciales - Caisse de prévoyance
 Article 110—Dispositions spéciales - Caisse des pensions
 Article 121(b)—Frais de voyage des membres du personnel
 Article 123—Avances
 Article 124—Frais de voyage des personnes à charge
 Article 125—Frais de déménagement
 Article 150—Caisse commune des pensions du personnel de l'Organisation des Nations Unies
 Article 151—Caisse de prévoyance du personnel
 Article 152—Soins médicaux

ARTICLE 173.—*Préavis de démission*

a) Les membres du personnel visés à l'article 170 recrutés sur place peuvent démissionner moyennant préavis de quinze jours donné par écrit.

b) Les membres du personnel visés à l'article 170 qui n'ont pas été recrutés sur place peuvent démissionner moyennant préavis de trente jours donné par écrit.

c) Le Secrétaire général peut accepter des démissions données avec un préavis plus court.

RULE 174.—*Notice of termination*

(a) Staff members under rule 170 who are recruited from the local area may be terminated at any time upon fifteen days' written notice or as otherwise provided in the terms of their appointments.

(b) Staff members under rule 170 who are not recruited from the local area may be terminated at any time upon thirty days' written notice or as otherwise provided in the terms of their appointments.

CHAPTER XIV

PERSONNEL ENGAGED AS CONSULTANTS

RULE 180.—*Applicability*

(a) The rules of this chapter shall apply to those persons who are appointed as consultants.

(b) A "consultant" shall be a recognized authority or specialist in the field in which his services are to be utilized and shall serve for short or intermittent periods, normally in an advisory capacity.

RULE 181.—*Salaries and related allowances*

Consultants shall be paid at daily gross rate for each day actually employed and for each day spent on official travel to and from their official duty station. Consultants coming from outside the local area shall be paid the appropriate travel subsistence allowance for each day while in official travel status.

RULE 182.—*Exceptions to general rules*

Subject to qualifications in this chapter, the rules in chapters I through XI shall apply to consultants, except the following:

- Rule 5—Assignment of duties
- Rule 8—Public information relationships
- Rule 9—Fees for speaking engagements
- Rule 12—Outside activities
- Rule 13—Candidacy for political office

ARTICLE 174.—*Préavis de licenciement*

a) Les membres du personnel visés à l'article 170 recrutés sur place peuvent être licenciés à tout moment moyennant un préavis de quinze jours donné par écrit ou, dans toutes autres conditions prévues dans leur engagement.

b) Les membres du personnel visés à l'article 170 qui n'ont pas été recrutés sur place peuvent être licenciés à tout moment moyennant préavis de trente jours donné par écrit ou, dans toutes autres conditions prévues par leur engagement.

CHAPITRE XIV

PERSONNEL ENGAGÉ À TITRE DE CONSULTANTS

ARTICLE 180.—*Champ d'application*

a) Les articles du présent chapitre s'appliquent aux personnes engagées comme consultants.

b) Par "consultant", on entend une autorité ou un spécialiste dont la compétence est reconnue dans le domaine pour lequel on fait appel à ses services et qui fournit ceux-ci par intermittence ou pour une période de courte durée, en règle générale, à titre consultatif.

ARTICLE 181.—*Traitements et indemnités connexes*

Les consultants recevront un traitement forfaitaire pour toute journée de travail effective et pour chaque jour passé en voyage officiel pour se rendre à leur lieu d'affectation et pour en revenir. Les consultants qui viennent d'un point situé hors de la région où se trouve leur lieu d'affectation recevront l'indemnité de subsistance appropriée pour toute journée passée en voyage officiel.

ARTICLE 182.—*Exceptions aux règles générales*

Sous réserve des restrictions énoncées dans le présent chapitre, les articles des chapitres I à XI inclus s'appliqueront aux consultants, exception faite des articles ci-après:

- Article 5—Affectation
- Article 8—Relations avec le public
- Article 9—Rémunération pour les conférences publiques
- Article 12—Exercice d'une activité hors de l'Organisation
- Article 13—Candidature à une fonction publique de caractère politique

- Rule 14—Hours of work
 Rule 15—Privileges and immunities
 All rules in chapter II—Salaries and related allowances
 Rule 60—Indeterminate appointment
 Rule 62—Medical examination
 Rule 65—Periodic reporting on staff members
 All rules in chapter IV—Promotions
 All rules in chapter V—Leave
 Rule 101—Notice of resignation
 Rule 103—Notice of termination
 Rule 104—Reduction in force
 Rule 105—Age of retirement
 Rule 107—Indemnity for termination
 Rule 108—Special provisions—Leave
 Rule 109—Special provisions—Provident Fund
 Rule 110—Special provisions—Pension Scheme
 Rule 124—Travel expenses of dependents
 Rule 125—Removal expenses
 Rule 150—United Nations Joint Staff Pension Scheme
 Rule 151—Staff Provident Fund
 Rule 152—Medical care

CHAPTER XV

PERSONNEL OF MISSIONS

RULE 190.—*Applicability*

The rules of this chapter shall apply to all staff members initially appointed for service with a mission and staff members, serving under the rules in chapter XIII, who are transferred to service with a mission.

RULE 191.—*Salaries and related allowances*

(a) Salaries of staff members under rule 190 who are recruited from the general area of the mission shall be paid on a gross basis and be set in terms of the best prevailing wages or salaries for comparable work in the area. In addition, they shall receive a reasonable subsistence allowance if their home, at the time of appointment, is beyond commuting distance from their official duty station.

(b) Other staff members under rule 190 shall be paid at headquarters salary rates.

- Article 14—Heures de travail
 Article 15—Privilèges et immunités
 Tous les articles du chapitre II—Traitements et indemnités connexes
 Article 60—Contrats d'une durée indéterminée
 Article 62—Examen médical
 Article 65—Rapports périodiques sur les membres du personnel
 Tous les articles du chapitre IV—Promotions
 Tous les articles du chapitre V—Congés
 Article 101—Préavis de démission
 Article 103—Préavis de licenciement
 Article 104—Réduction des effectifs
 Article 105—Age de la retraite
 Article 107—Indemnité de licenciement
 Article 108—Dispositions spéciales concernant les congés
 Article 109—Dispositions spéciales concernant la Caisse de prévoyance
 Article 110—Dispositions spéciales concernant la Caisse des pensions
 Article 124—Frais de voyage des personnes à charge
 Article 125—Frais de déménagement
 Article 150—Caisse des pensions du personnel de l'Organisation des Nations Unies
 Article 151—Caisse de prévoyance
 Article 152—Soins médicaux

CHAPITRE XV

PERSONNEL DES MISSIONS

ARTICLE 190.—*Champ d'application*

Les articles du présent chapitre s'appliquent à tous les membres du personnel engagés directement pour une mission, ainsi qu'aux membres du personnel, régis par les articles du chapitre XIII, qui sont affectés à une mission par voie de transfert.

ARTICLE 191.—*Traitements et indemnités connexes*

a) Les membres du personnel visés à l'article 190, et qui sont engagés dans la région dans laquelle s'effectue la mission, recevront un traitement forfaitaire correspondant aux traitements et salaires les plus favorables payés, dans la région considérée, en rémunération d'un travail analogue. De plus ils toucheront une indemnité de subsistance raisonnable s'ils résidaient au moment de leur engagement dans une localité située à une distance de leur lieu d'affectation qui ne leur permettait pas normalement d'effectuer le voyage d'aller et retour quotidien.

b) Les autres membres du personnel visés à l'article 190 recevront un traite-

In addition, they shall receive a travel subsistence allowance for the duration of their services with the mission.

(c) Staff members under (a) and (b) above shall be eligible for a children's allowance under the provisions of rule 35 or 204 unless the terms of appointment specifically exclude such allowance.

(d) "General area" is defined as the country in which the mission is located plus neighbouring countries having comparable living and salary standards.

RULE 192.—*Exceptions to general rules*

Subject to qualifications in this chapter, the rules in chapters I through XI shall apply to staff members under rule 191, except the following:

Rule 23—Extra compensation

Rule 24—Within-grade salary increases

Rule 29—Allowances paid at dependency rates

Rule 30—Cost of living adjustment

Rule 31—Installation allowance

Rule 32—Installation grant

Rule 33—Expatriation allowance

Rule 34—Rental allowance and subsidy

Rule 36—Education grant

Rule 60—Indeterminate appointment

Rule 72—Promotion Boards

Rule 80—Home leave

Rule 81—Advance home leave

Rule 82—Annual leave combined with home leave

Rule 83—Travel expenses

Rule 101—Notice of resignation

Rule 102—Termination

Rule 103—Notice of termination

Rule 105—Age of retirement

Rule 107—Indemnity for termination

Rule 109—Special provisions—Provident Fund

Rule 110—Special provisions—Pension Scheme

Rule 124—Travel expenses of dependents

Rule 125—Removal expenses

Rule 150—United Nations Joint Staff Pension Scheme

Rule 151—Staff Provident Fund

Rule 152—Medical care

ment calculé au taux des traitements payés au siège. De plus, ils toucheront une indemnité de subsistance de voyage pendant la durée de leur service auprès de la mission.

c) Les membres du personnel visés en a) et b) auront droit aux allocations familiales dans les conditions prévues aux articles 33 ou 204, à moins que cette indemnité soit expressément exclue de leurs conditions d'engagement.

d) Par "région", on entend le pays où se trouve la mission, ainsi que les pays voisins ayant un niveau de vie et de traitements comparables.

ARTICLE 192.—*Exceptions aux règles générales*

Sous réserve des restrictions énoncées dans le présent chapitre, les articles des chapitres I à XI inclus s'appliquent aux membres du personnel régis par l'article 191, exception faite des articles ci-après:

Article 23—Indemnité spéciale

Article 24—Passage à un échelon supérieur dans une même classe.

Article 29—Majoration des indemnités dans le cas des fonctionnaires ayant des charges de famille

Article 30—Indemnité de vie chère

Article 31—Indemnité journalière d'installation

Article 32—Prime d'installation

Article 33—Indemnité d'expatriation

Article 34—Indemnité et subvention pour le logement

Article 36—Indemnité pour frais d'études

Article 60—Contrats d'une durée indéterminée

Article 72—Comité des nominations

Article 80—Congé dans les foyers

Article 81—Congé anticipé dans les foyers

Article 82—Faculté d'ajouter le congé annuel au congé dans les foyers

Article 83—Frais de voyage

Article 101—Préavis de démission

Article 102—Licenciement

Article 103—Préavis de licenciement

Article 105—Age de la retraite

Article 107—Indemnité de licenciement

Article 109—Disposition spéciale concernant la Caisse de prévoyance

Article 110—Disposition spéciale concernant la Caisse des pensions

Article 124—Frais de voyage des personnes à charge

Article 125—Frais de déménagement

Article 150—Caisse des pensions du personnel de l'Organisation des Nations Unies

Article 151—Caisse de prévoyance

Article 152—Soins médicaux

RULE 193.—Manual workers

The provisions of rule 15, "Privileges and immunities", shall not apply to manual workers appointed under rule 191.

RULE 194.—Hours of work

The normal work week as defined in rule 14 may be varied in accordance with local conditions and practices, provided that the work week shall be maintained at a minimum of forty hours.

RULE 195.—Computation of overtime or night differential pay

The salaries or wages set under rule 191 shall be used in computing overtime or night differential pay.

RULE 196.—Medical certificates

Where approval by a United Nations medical officer is required, as in rules 62 and 89, and no such officer has been designated, a certificate from a qualified member of the medical profession shall be acceptable.

RULE 197.—Notice of resignation

(a) Staff members under rule 190 who are recruited from the general area may resign their posts on giving fifteen days' notice in writing.

(b) Other staff members under rule 190 may resign their posts on giving thirty days' notice in writing.

(c) The Secretary-General may accept resignations on shorter notice.

RULE 198.—Notice of termination

(a) Staff members under rule 190 who are recruited from the general area may be terminated at any time upon fifteen days' written notice or as otherwise provided in the terms of their appointments.

(b) Other staff members under rule 190 may be terminated at any time upon thirty days' written notice or as otherwise provided in the terms of their appointments.

ARTICLE 193.—Travailleurs manuels

Les dispositions de l'article 15, "Privileges et immunités" ne s'appliquent pas aux travailleurs manuels engagés aux termes de l'article 191.

ARTICLE 194.—Heures de travail

La semaine de travail normale, telle que la définit l'article 14, pourra être modifiée en raison des conditions et coutumes locales, pourvu qu'elle ne soit pas d'une durée inférieure à 40 heures.

ARTICLE 195.—Décompte des heures supplémentaires ou du sursalaire de nuit

Les traitements et salaires fixés conformément à l'article 191 serviront pour le décompte des heures supplémentaires ou du travail de nuit.

ARTICLE 196.—Certificats médicaux

Dans les cas où l'avis favorable d'un médecin de l'Organisation est nécessaire (articles 62 et 89 par exemple), et où aucun médecin n'a été nommé à cet effet, un certificat délivré par un membre qualifié de la profession médicale sera valable.

ARTICLE 197.—Préavis de démission

a) Les membres du personnel auxquels s'appliquent les dispositions de l'article 190, et qui sont engagés dans la région, peuvent démissionner moyennant préavis de quinze jours donné par écrit.

b) Les autres membres du personnel visés à l'article 190 peuvent démissionner moyennant préavis de trente jours donné par écrit.

c) Le Secrétaire général peut accepter des démissions données avec préavis plus court.

ARTICLE 198.—Préavis de licenciement

a) Les membres du personnel auxquels s'appliquent les dispositions de l'article 190 et qui sont engagés dans la région peuvent être licenciés à tout moment sous préavis de 15 jours donné par écrit, ou dans toutes autres conditions prévues par leur lettre d'engagement.

b) Les autres membres du personnel visés à l'article 190 peuvent être licenciés à tout moment, moyennant préavis de 30 jours donné par écrit ou dans toutes autres conditions prévues par leur lettre d'engagement.

CHAPTER XVI

PERSONNEL AT ESTABLISHED OFFICES
AWAY FROM HEADQUARTERSRULE 200.—*Applicability*

The rules in this chapter shall apply to all staff members who occupy posts at established offices away from headquarters.

RULE 201.—*Salaries, wages and related allowances*

(a) Staff members shall receive salaries and related allowances in accordance with provisions in chapter II subject to adjustments to reflect differences in living costs and other conditions as between headquarters and offices away from headquarters, provided that:

(b) Salaries of staff members recruited locally for posts normally in grades 1 through 7 (see rule 20) may be set in terms of the best prevailing wages or salaries for comparable work in the area; and

(c) Wages of manual workers shall be on a gross basis and be set in terms of the best prevailing wages for comparable work in the area.

RULE 202.—*Exceptions to general rules*

Subject to qualifications in this chapter, all the rules in chapters I through XV shall apply to staff members under rule 200, except the following:

Rule 30—Cost of living adjustment

Rule 34—Rental allowance and subsidy

RULE 203.—*Hours of work*

The normal work week as defined in rule 14 may be varied in accordance with local conditions and practices, provided that the work week shall be maintained at a minimum of forty hours.

RULE 204.—*Children's allowance*

The children's allowance for staff members under rule 201 (b) and (c), shall be that proportion of the allowance which

CHAPITRE XVI

PERSONNEL DES BUREAUX PERMANENTS
SITUÉS HORS DU SIÈGEARTICLE 200.—*Champ d'application*

Les articles du présent chapitre s'appliquent à tous les membres du personnel qui occupent un poste dans des bureaux permanents hors du siège.

ARTICLE 201.—*Traitements, salaires et indemnités connexes*

a) Les membres du personnel touchent les traitements et indemnités connexes conformément aux dispositions du chapitre II, sous réserve des ajustements destinés à compenser les différences existant en ce qui concerne le coût de la vie et les autres conditions d'existence entre la région du siège et celle des bureaux situés hors du siège, étant entendu:

b) Que le traitement des membres du personnel recrutés sur place pour des postes rentrant normalement dans les classes 1 à 7 inclus (voir article 20) correspond à l'échelle des traitements ou salaires les plus avantageux en usage dans la région pour un travail analogue, et

c) Que le salaire des travailleurs manuels soit fixé sur une base forfaitaire et corresponde au taux de salaire le plus avantageux en usage dans la région pour un travail analogue.

ARTICLE 202.—*Exceptions aux règles générales*

Sous réserve des restrictions du présent chapitre, tous les articles des chapitres I à XV inclus s'appliquent aux membres du personnel visés à l'article 200, à l'exception des articles suivants:

Article 30—Indemnité de vie chère

Article 34—Indemnité et subvention pour le logement

ARTICLE 203.—*Heures de travail*

La semaine normale de travail, telle qu'elle est définie à l'article 14, peut varier suivant les conditions et usages locaux, pourvu qu'elle ne soit pas d'une durée inférieure à quarante heures.

ARTICLE 204.—*Indemnité pour charge de famille*

Pour calculer l'allocation familiale attribuée aux membres du personnel visés à l'article 201 b) c), on utilisera le même

the level of salary and wage rates established bears to the headquarters rates.

RULE 205.—Manual workers

Manual workers who are paid at other than hourly rates shall be considered as hourly-rate staff members, subject to the provisions of chapter XII, with the exception of rules 162 and 163.

RULE 206.—Contribution to the United Nations Joint Staff Pension Scheme and the Staff Provident Fund

In computing contributions to the United Nations Joint Staff Pension Scheme or the Staff Provident Fund, under rules 150 and 151:

(a) For staff members under rule 201 (a), the comparable headquarters base salary rate shall be used.

(b) For staff members under rule 201 (b) and (c), the local rates as established shall be used.

RULE 207.—Computation of overtime or night differential pay

The salary or wages established under rule 201 shall be used in computing overtime or night differential pay.

RULE 208.—Medical certificates

Where approval by a United Nations medical officer is required, as in rules 62 and 89, and no such officer has been designated, a certificate from any qualified member of the medical profession shall be acceptable.

CHAPTER XVII

MISCELLANEOUS PROVISIONS

RULE 210.—Conditions and rates

These rules are subject to conditions and rates established by the Secretary-General in administrative instructions.

RULE 211.—Persons not engaged as staff members

These rules shall not apply to persons, whether working on the premises or not,

coefficient que celui qui est adopté pour la fixation des traitements et salaires par rapport à ceux du siège.

ARTICLE 205.—Travailleurs manuels

Les travailleurs manuels qui ne sont pas payés à l'heure seront assimilés aux membres du personnel payés à l'heure, sous réserve des dispositions du chapitre XII, exception faite des articles 162 et 163.

ARTICLE 206.—Versements à la Caisse commune des retraites du personnel et à la Caisse de prévoyance du personnel

Pour le calcul des versements à la Caisse commune des retraites du personnel ou à la Caisse de prévoyance du personnel, prévus par les articles 150 et 151, on adoptera les bases suivantes:

a) Pour les membres du personnel régis par l'article 201 a), les traitements de base comparables en vigueur au siège;

b) Pour les membres du personnel relevant de l'article 201 b) et c) le tarif local établi.

ARTICLE 207.—Calcul des rémunérations dues pour les heures supplémentaires ou le travail de nuit

Les rémunérations dues pour les heures supplémentaires ou le travail de nuit seront calculées d'après les traitements et salaires fixés comme il est prévu à l'article 202.

ARTICLE 208.—Certificats médicaux

Lorsque l'approbation d'un médecin des Nations Unies est nécessaire, comme dans les cas prévus aux articles 62 et 81, et lorsque ce médecin n'aura pas été désigné, un certificat émanant d'un membre qualifié de la profession médicale sera valable.

CHAPITRE XVII

DISPOSITIONS DIVERSES

ARTICLE 210.—Conditions et taux

Les dispositions du présent règlement s'entendent sous réserve des conditions et taux prescrits par le Secrétaire général dans les instructions administratives.

ARTICLE 211.—Personnes n'ayant pas été engagées comme membres du personnel

Le présent règlement ne s'applique pas aux personnes qui, travaillant ou non dans

who do not hold appointments as staff members.

RULE 212.—*Masculine and feminine gender*

In these rules, terms referring to persons and staff members in the masculine gender shall apply also to women, except where the contrary intention is evident from the context.

RULE 213.—*Amendment of Staff Rules*

These rules may be amended by the Secretary-General, subject to rule 135, "Staff Committee" without prejudice to the acquired rights of staff members under the Staff Regulations.

RULE 214.—*Effective date of Staff Rules*

These rules shall be effective on 1 July 1948 and shall supersede all other provisions in force before that date and contrary to these rules, without prejudice to the acquired rights of staff members under the Staff Regulations.

l'enceinte des Nations Unies, n'ont pas été engagées comme membres du personnel.

ARTICLE 212.—*Emploi du masculin et du féminin*

Dans le présent règlement, les termes désignant des personnes et des membres du personnel du genre masculin s'appliquent également aux femmes, sauf si l'intention contraire ressort clairement du contexte.

ARTICLE 213.—*Amendement au règlement du personnel*

Le Secrétaire général peut modifier le présent règlement sous réserve des dispositions de l'article 135 "Comité du personnel" sans préjudice des droits acquis par les membres du personnel aux termes du statut du personnel.

ARTICLE 214.—*Date de l'entrée en vigueur du règlement du personnel*

Le présent règlement prendra effet à dater du 1^{er} juillet 1948 et remplacera toutes autres dispositions en vigueur avant cette date et contraires au présent règlement, sans préjudice des droits acquis par les membres du personnel aux termes du statut du personnel.

No. 653i

Convention on the Privileges and Immunities of the United Nations. Adopted at London, February 13, 1946.

Convention sur les privilèges et immunités des Nations Unies. Approuvée à Londres, 13 février 1946.

EDITOR'S NOTE. This Convention was approved by the General Assembly of the United Nations by Resolution 22 (I). U.N. Doc. A/64, p. 25. A convention on the privileges and immunities of the specialized agencies was approved by the General Assembly by Resolution 179 (II), November 21, 1947. U.N. Doc. A/519, p. 114. An agreement regarding the headquarters of the United Nations was signed by the United Nations and the United States of America on June 26, 1947. 11 *U.N. Treaty Series*, p. 11. An agreement concerning the Ariana site in Geneva and an arrangement on privileges and immunities were signed by the United Nations and Switzerland on June 11 and July 1, 1946. 2 *idem*, pp. 153, 163. For the *modus vivendi* of September 18, 1926, concerning diplomatic immunities of League of Nations officials, see No. 1h, *ante*.

ACCESSIONS On April 1, 1949, this Convention had been acceded to by Afghanistan, Australia, Belgium, Canada (with reservation), Chile, Denmark, Dominican Republic, Egypt, El Salvador, Ethiopia, France, Great Britain, Greece, Guatemala, Haiti, Honduras, Iceland, India, Iran, Lebanon, Liberia, Luxemburg, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Philippines, Poland, and Sweden.

BIBLIOGRAPHY. The text of this Convention is also published in *Br. Parl. Papers*, Misc. No. 6 (1946), Cmd. 6753.

J. L. Kunz, "Privileges and Immunities of International Organizations," 41 *Am. Jour. Int. Law* (1947), pp. 828-62; C. Parry, "International Government and Diplomatic Privilege," 10 *Modern Law Review* (1947), pp. 97-121; L. Preuss, "Immunity of Officers and Employees of the United Nations," 41 *Am. Jour. Int. Law* (1947), pp. 555-78.

Entered into force September 17, 1946.¹

Text from 1 *U.N. Treaty Series*, p. 15.

Whereas Article 104 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes and

Whereas Article 105 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes and that representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

Consequently the General Assembly by a Resolution adopted on the 13 February 1946, approved the following Convention and proposed it for accession by each Member of the United Nations.

ARTICLE 1.—Juridical Personality

Section 1. The United Nations shall possess juridical personality. It shall have the capacity:

- (a) To contract;
- (b) To acquire and dispose of immovable and movable property;
- (c) To institute legal proceedings.

ARTICLE 2.—Property, Funds and Assets

Sec. 2. The United Nations, its property and assets wherever located and by whomsoever held, shall enjoy

Considérant que l'Article 104 de la Charte des Nations Unies stipule que l'Organisation jouit, sur le territoire de chacun de ses Membres, de la capacité juridique qui lui est nécessaire pour exercer ses fonctions et atteindre ses buts;

Considérant que l'Article 105 de la Charte des Nations Unies stipule que l'Organisation jouit, sur le territoire de chacun de ses Membres, des privilèges et immunités qui lui sont nécessaires pour atteindre ses buts, et que les représentants des Membres des Nations Unies et les fonctionnaires de l'Organisation jouissent également des privilèges et immunités qui leur sont nécessaires pour exercer en toute indépendance leur fonctions en rapport avec l'Organisation;

En conséquence, par une résolution adoptée le 13 février 1946, l'Assemblée générale a approuvé la Convention suivante et l'a proposée à l'adhésion de chacun des Membres des Nations Unies.

ARTICLE 1.—Personnalité juridique

Section 1. L'Organisation des Nations Unies possède la personnalité juridique. Elle a la capacité:

- a) De contracter;
- b) D'acquérir et de vendre des biens immobiliers et mobiliers;
- c) D'ester en justice.

ARTICLE 2.—Biens, fonds et avoirs

Sec. 2. L'Organisation des Nations Unies, ses biens et avoirs, quels que soient leur siège et leur déten-

¹ Registered with the Secretariat of the United Nations, No. 4, December 14, 1946.

immunity from every form of legal process except insofar as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Sec. 3. The premises of the United Nations shall be inviolable. The property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

Sec. 4. The archives of the United Nations, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

Sec. 5. Without being restricted by financial controls, regulations or moratoria of any kind,

(a) The United Nations may hold funds, gold or currency of any kind and operate accounts in any currency;

(b) The United Nations shall be free to transfer its funds, gold or currency from one country to another or within any country and to convert any currency held by it into any other currency.

Sec. 6. In exercising its rights under Section 5 above, the United Nations shall pay due regard to any representations made by the Government of any Member insofar as it is considered that effect can be given to such representations without detriment to the interests of the United Nations.

Sec. 7. The United Nations, its assets, income and other property shall be:

(a) Exempt from all direct taxes; it is understood, however, that the United Nations will not claim exemption from taxes which are, in fact, no more than charges for public utility services;

teur, jouissent de l'immunité de juridiction, sauf dans la mesure où l'Organisation y a expressément renoncé, dans un cas particulier. Il est toutefois entendu que la renonciation ne peut s'étendre à des mesures d'exécution.

Sec. 3. Les locaux de l'Organisation sont inviolables. Ses biens et avoirs, où qu'ils se trouvent et quel que soit leur détenteur, sont exempts de perquisition, réquisition, confiscation, expropriation ou de toute autre forme de contrainte exécutive, administrative, judiciaire ou législative.

Sec. 4. Les archives de l'Organisation et, d'une manière générale, tous les documents lui appartenant ou détenus par elle, sont inviolables, où qu'ils se trouvent.

Sec. 5. Sans être astreinte à aucun contrôle, réglementation ou moratoire financiers:

(a) L'Organisation peut détenir des fonds, de l'or ou des devises quelconques et avoir des comptes en n'importe quelle monnaie;

(b) L'Organisation peut transférer librement ses fonds, son or ou ses devises d'un pays dans un autre ou à l'intérieur d'un pays quelconque et convertir toutes devises détenues par elle en toute autre monnaie.

Sec. 6. Dans l'exercice des droits qui lui sont accordés en vertu de la Section 5 ci-dessus, l'Organisation des Nations Unies tiendra compte de toutes représentations du Gouvernement d'un Etat Membre, dans la mesure où elle estimera pouvoir y donner suite sans porter préjudice à ses propres intérêts.

Sec. 7. L'Organisation des Nations Unies, ses avoirs, revenus et autres biens sont:

(a) Exonérés de tout impôt direct. Il demeure entendu, toutefois, que l'Organisation ne demandera pas l'exonération d'impôts qui ne seraient pas en excès de la simple rémunération de services d'utilité publique.

(b) Exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the United Nations for its official use. It is understood, however, that articles imported under such exemption will not be sold in the country into which they were imported except under conditions agreed with the Government of that country;

(c) Exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

Sec. 8. While the United Nations will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the United Nations is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Members will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE 3.—*Facilities in respect of Communications*

Sec. 9. The United Nations shall enjoy in the territory of each Member for its official communications treatment not less favourable than that accorded by the Government of that Member to any other Government including its diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to the press and radio. No censorship shall be applied to the official correspondence and other official communications of the United Nations.

b) Exonérés de tous droits de douane et prohibitions et restrictions d'importation ou d'exportation à l'égard d'objets importés ou exportés par l'Organisation des Nations Unies pour son usage officiel. Il est entendu, toutefois, que les articles ainsi importés en franchise ne seront pas vendus sur le territoire du pays dans lequel ils auront été introduits, à moins que ce ne soit à des conditions agréées par le Gouvernement de ce pays.

c) Exonérés de tout droit de douane et de toutes prohibitions et restrictions d'importation et d'exportation à l'égard de ses publications.

Sec. 8. Bien que l'Organisation des Nations Unies ne revendique pas, en principe, l'exonération des droits d'accise et des taxes à la vente entrant dans le prix des biens mobiliers ou immobiliers, cependant, quand elle effectue pour son usage officiel des achats importants dont le prix comprend des droits et taxes de cette nature, les Membres prendront, chaque fois qu'il leur sera possible, les dispositions administratives appropriées en vue de la remise ou du remboursement du montant de ces droits et taxes.

ARTICLE 3.—*Facilités de communications*

Sec. 9. L'Organisation des Nations Unies bénéficiera, sur le territoire de chaque Membre, pour ses communications officielles, d'un traitement au moins aussi favorable que le traitement accordé par lui à tout autre gouvernement, y compris sa mission diplomatique, en ce que concerne les priorités, tarifs et taxes sur le courrier, les câblogrammes, télégrammes, radio-télégrammes, téléphotos, communications téléphoniques et autres communications, ainsi que sur les tarifs de presse pour les informations à la presse et la radio. La correspondance officielle et les autres communications officielles de l'Organisation ne pourront être censurées.

Sec. 10. The United Nations shall have the right to use codes and to despatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

ARTICLE 4.—*The Representatives of Members*

Sec. 11. Representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, shall, while exercising their functions and during the journey to and from the place of meeting, enjoy the following privileges and immunities:

(a) Immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their capacity as representatives, immunity from legal process of every kind;

(b) Inviolability for all papers and documents;

(c) The right to use codes and to receive papers or correspondence by courier or in sealed bags;

(d) Exemption in respect of themselves and their spouses from immigration restrictions, aliens registration or national service obligations in the state they are visiting or through which they are passing in the exercise of their functions;

(e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

(f) The same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys, and also;

(g) Such other privileges, immuni-

Sec. 10. L'Organisation des Nations Unies aura le droit d'employer des codes ainsi que d'expédier et de recevoir sa correspondance par des courriers ou valises qui jouiront des mêmes privilèges et immunités que les courriers et valises diplomatiques.

ARTICLE 4.—*Représentants des Membres*

Sec. 11. Les représentants des Membres auprès des organes principaux et subsidiaires des Nations Unies et aux conférences convoquées par les Nations Unies jouissent, durant l'exercice de leurs fonctions et au cours des voyages à destination ou en provenance du lieu de la réunion, des privilèges et immunités suivants:

a) Immunité d'arrestation personnelle ou de détention et de saisie de leurs bagages personnels et en ce qui concerne les actes accomplis par eux en leur qualité de représentants (y compris leurs paroles et écrits), immunité de toute juridiction;

b) Inviolabilité de tous papiers et documents;

c) Droit de faire usage de codes et de recevoir des documents ou de la correspondance par courrier ou par valises scellées;

d) Exemption pour eux-mêmes et pour leurs conjoints à l'égard de toutes mesures restrictives relatives à l'immigration, de toutes formalités d'enregistrement des étrangers, et de toutes obligations de service national dans les pays visités ou traversés par eux dans l'exercice de leurs fonctions;

e) Les mêmes facilités en ce qui concerne les réglementations monétaires ou de change que celles accordées aux représentants de gouvernements étrangers en mission officielle temporaire;

f) Les mêmes immunités et facilités en ce qui concerne leurs bagages personnels que celles accordées aux agents diplomatiques, et également;

g) Tels autres privilèges, immu-

ties and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes.

Sec. 12. In order to secure, for the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of Members.

Sec. 13. Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations are present in a state for the discharge of their duties shall not be considered as periods of residence.

Sec. 14. Privileges and immunities are accorded to the representatives of Members not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the United Nations. Consequently a Member not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Member the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

nités et facilités non incompatibles avec ce qui précède dont jouissent les agents diplomatiques, sauf le droit de réclamer l'exemption des droits de douane sur des objets importés (autres que ceux qui font partie de leurs bagages personnels) ou de droits d'accise ou de taxes à la vente.

Sec. 12. En vue d'assurer aux représentants des Membres aux organes principaux et subsidiaires des Nations Unies et aux conférences convoquées par l'Organisation une complète liberté de parole et une complète indépendance dans l'accomplissement de leurs fonctions, l'immunité de juridiction en ce qui concerne les paroles ou les écrits ou les actes émanant d'eux dans l'accomplissement de leurs fonctions continuera à leur être accordée, même après que ces personnes auront cessé d'être les représentants des Membres.

Sec. 13. Dans le cas où l'incidence d'un impôt quelconque est subordonnée à la résidence de l'assujetti, les périodes, pendant lesquelles les représentants des Membres auprès des organes principaux et subsidiaires des Nations Unies et aux conférences convoquées par l'Organisation des Nations Unies se trouveront sur le territoire d'un Etat Membre pour l'exercice de leurs fonctions, ne seront pas considérées comme des périodes de résidence.

Sec. 14. Les privilèges et immunités sont accordés aux représentants des Membres non à leur avantage personnel, mais dans le but d'assurer en toute indépendance l'exercice de leurs fonctions en rapport avec l'Organisation. Par conséquent, un Membre a non seulement le droit, mais le devoir de lever l'immunité de son représentant dans tous les cas où, à son avis, l'immunité empêcherait que justice soit faite et où elle peut être levée sans nuire au but pour lequel l'immunité est accordée.

Sec. 15. The provisions of Sections 11, 12 and 13 are not applicable as between a representative and the authorities of the state of which he is a national or of which he is or has been the representative.

Sec. 16. In this article the expression "representatives" shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

ARTICLE 5.—*Officials*

Sec. 17. The Secretary-General will specify the categories of officials to which the provisions of this Article and Article 7 shall apply. He shall submit these categories to the General Assembly. Thereafter these categories shall be communicated to the Governments of all Members. The names of the officials included in these categories shall from time to time be made known to the Governments of Members.

Sec. 18. Officials of the United Nations shall:

(a) Be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

(b) Be exempt from taxation on the salaries and emoluments paid to them by the United Nations;

(c) Be immune from national service obligations;

(d) Be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;

(e) Be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government concerned;

(f) Be given, together with their spouses and relatives dependent on them, the same repatriation facilities

Sec. 15. Les dispositions des Sections 11, 12 et 13 ne sont pas applicables dans le cas d'un représentant vis-à-vis des autorités de l'Etat dont il est ressortissant ou dont il est ou a été le représentant.

Sec. 16. Aux fins du présent article, le terme "représentants" est considéré comme comprenant tous les délégués adjoints, conseillers, experts techniques et secrétaires de délégation.

ARTICLE 5.—*Fonctionnaires*

Sec. 17. Le Secrétaire général déterminera les catégories des fonctionnaires auxquels s'appliquent les dispositions du présent article ainsi que de l'Article 7. Il en soumettra la liste à l'Assemblée générale et en donnera ensuite communication aux Gouvernements de tous les Membres. Les noms des fonctionnaires compris dans ces catégories seront communiqués périodiquement aux Gouvernements des Membres.

Sec. 18. Les fonctionnaires de l'Organisation des Nations Unies:

a) Jouiront de l'immunité de juridiction pour les actes accomplis par eux en leur qualité officielle (y compris leurs paroles et écrits);

b) Seront exonérés de tout impôt sur les traitements et émoluments versés par l'Organisation des Nations Unies;

c) Seront exempts de toute obligation relative au service national;

d) Ne seront pas soumis, non plus que leurs conjoints et les membres de leur famille vivant à leur charge, aux dispositions limitant l'immigration et aux formalités d'enregistrement des étrangers;

e) Jouiront, en ce qui concerne les facilités de change, des mêmes privilèges que les fonctionnaires d'un rang comparable appartenant aux missions diplomatiques accréditées auprès du Gouvernement intéressé;

f) Jouiront, ainsi que leurs conjoints et les membres de leur famille vivant à leur charge, des mêmes

in time of international crisis as diplomatic envoys;

(g) Have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

Sec. 19. In addition to the immunities and privileges specified in Section 18, the Secretary-General and all Assistant Secretaries-General shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

Sec. 20. Privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. In the case of the Secretary-General, the Security Council shall have the right to waive immunity.

Sec. 21. The United Nations shall co-operate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this Article.

ARTICLE 6.—*Experts on Missions for the United Nations*

Sec. 22. Experts (other than officials coming within the scope of Article 5) performing missions for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including

facilités de rapatriement que les envoyés diplomatiques en période de crise internationale;

g) Jouiront du droit d'importer en franchise leur mobilier et leurs effets à l'occasion de leur première prise de fonction dans le pays intéressé.

Sec. 19. Outre les privilèges et immunités prévus à la Section 18, le Secrétaire général et tous les Sous-Secrétaires généraux, tant en ce qui les concerne qu'en ce qui concerne leurs conjoints et enfants mineurs, jouiront des privilèges, immunités, exemptions et facilités, accordés, conformément au droit international, aux envoyés diplomatiques.

Sec. 20. Les privilèges et immunités sont accordés aux fonctionnaires uniquement dans l'intérêt des Nations Unies et non à leur avantage personnel. Le Secrétaire général pourra et devra lever l'immunité accordée à un fonctionnaire dans tous les cas où, à son avis, cette immunité empêcherait que justice soit faite et pourra être levée sans porter préjudice aux intérêts de l'Organisation. A l'égard du Secrétaire général, le Conseil de sécurité a qualité pour prononcer la levée des immunités.

Sec. 21. L'Organisation des Nations Unies collaborera, en tous temps, avec les autorités compétentes des Etats Membres en vue de faciliter la bonne administration de la justice, d'assurer l'observation des règlements de police et d'éviter tout abus auquel pourraient donner lieu les privilèges, immunités et facilités énumérés dans le présent article.

ARTICLE 6.—*Experts en missions pour l'Organisation des Nations Unies*

Sec. 22. Les experts (autres que les fonctionnaires visés à l'Article 5) lorsqu'ils accomplissent des missions pour l'Organisation des Nations Unies, jouissent, pendant la durée de cette mission, y compris le temps du voyage, des privilèges et immunités nécessaires pour exercer leurs fonc-

the time spent on journeys in connection with their missions. In particular they shall be accorded:

(a) Immunity from personal arrest or detention and from seizure of their personal baggage;

(b) In respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;

(c) Inviolability for all papers and documents;

(d) For the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;

(e) The same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;

(f) The same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

Sec. 23. Privileges and immunities are granted to experts in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the United Nations.

ARTICLE 7.—*United Nations Laissez-Passer*

Sec. 24. The United Nations may issue United Nations laissez-passer to its officials. These laissez-passer shall be recognized and accepted as valid travel documents by

tions en toute indépendance. Ils jouissent en particulier des privilèges et immunités suivants:

a) Immunité d'arrestation personnelle ou de détention et de saisie de leurs bagages personnels;

b) Immunité de toute juridiction en ce qui concerne les actes accomplis par eux au cours de leurs missions (y compris leurs paroles et écrits). Cette immunité continuera à leur être accordée même après que ces personnes auront cessé de remplir des missions pour l'Organisation des Nations Unies;

c) Inviolabilité de tous papiers et documents;

d) Droit de faire usage de codes et de recevoir des documents et de la correspondance par courrier ou par valises scellées, pour leurs communications avec l'Organisation des Nations Unies;

e) Les mêmes facilités, en ce qui concerne les réglementations monétaires ou de change que celles qui sont accordées aux représentants des gouvernements étrangers en mission officielle temporaire;

f) Les mêmes immunités et facilités en ce qui concerne leurs bagages personnels que celles qui sont accordées aux agents diplomatiques.

Sec. 23. Les privilèges et immunités sont accordés aux experts dans l'intérêt de l'Organisation des Nations Unies, et non à leur avantage personnel. Le Secrétaire général pourra et devra lever l'immunité accordée à un expert, dans tous les cas où, à son avis, cette immunité empêcherait que justice soit faite et où elle peut être levée sans porter préjudice aux intérêts de l'Organisation.

ARTICLE 7.—*Laissez-passer des Nations Unies*

Sec. 24. L'Organisation des Nations Unies pourra délivrer des laissez-passer à ses fonctionnaires. Ces laissez-passer seront reconnus et acceptés, par les autorités des Etats

the authorities of Members, taking into account the provisions of Section 25.

Sec. 25. Applications for visas (where required) from the holders of United Nations laissez-passer, when accompanied by a certificate that they are travelling on the business of the United Nations, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

Sec. 26. Similar facilities to those specified in Section 25 shall be accorded to experts and other persons who, though not the holders of United Nations laissez-passer, have a certificate that they are travelling on the business of the United Nations.

Sec. 27. The Secretary-General, Assistant Secretaries-General and Directors travelling on United Nations laissez-passer on the business of the United Nations shall be granted the same facilities as are accorded to diplomatic envoys.

Sec. 28. The provisions of this article may be applied to the comparable officials of specialized agencies if the agreements for relationship made under Article 63 of the Charter so provide.

ARTICLE 8.—*Settlements of Disputes*

Sec. 29. The United Nations shall make provisions for appropriate modes of settlement of:

(a) Disputes arising out of contracts or other disputes of a private law character to which the United Nations is a party;

(b) Disputes involving any official of the United Nations who by reason of his official position enjoys immunity, if immunity has not been waived by the Secretary-General.

Membres, comme titre valable de voyage en tenant compte des dispositions de la Section 25.

Sec. 25. Les demandes de visas (lorsque des visas sont nécessaires) émanant des titulaires de ces laissez-passer, et accompagnées d'un certificat attestant que ces fonctionnaires voyagent pour le compte de l'Organisation, devront être examinées dans le plus bref délai possible. En outre, des facilités de voyage rapide seront accordées aux titulaires de ces laissez-passer.

Sec. 26. Des facilités analogues à celles qui sont mentionnées à la Section 25 seront accordées aux experts et autres personnes qui, sans être munis d'un laissez-passer des Nations Unies, seront porteurs d'un certificat attestant qu'ils voyagent pour le compte de l'Organisation.

Sec. 27. Le Secrétaire général, les Sous-Secrétaires généraux et les directeurs, voyageant pour le compte de l'Organisation et munis d'un laissez-passer délivré par celle-ci, jouiront des mêmes facilités que les envoyés diplomatiques.

Sec. 28. Les dispositions du présent article peuvent être appliquées aux fonctionnaires, de rang analogue, appartenant à des institutions spécialisées, si les accords fixant les relations desdites institutions avec l'Organisation, aux termes de l'Article 63 de la Charte, comportent une disposition à cet effet.

ARTICLE 8.—*Règlement des différends*

Sec. 29. L'Organisation des Nations Unies devra prévoir des modes de règlement appropriés pour:

a) Les différends en matière de contrats ou autres différends de droit privé dans lesquels l'Organisation serait partie;

b) Les différends dans lesquels serait impliqué un fonctionnaire de l'Organisation qui, du fait de sa situation officielle, jouit de l'immunité, si cette immunité n'a pas été levée par le Secrétaire général.

Sec. 30. All differences arising out of the interpretation or application of the present convention shall be referred to the International Court of Justice, unless in any case it is agreed by the parties to have recourse to another mode of settlement. If a difference arises between the United Nations on the one hand and a Member on the other hand, a request shall be made for an advisory opinion on any legal question involved in accordance with Article 96 of the Charter and Article 65 of the Statute of the Court. The opinion given by the Court shall be accepted as decisive by the parties.

FINAL ARTICLE

Sec. 31. This convention is submitted to every Member of the United Nations for accession.

Sec. 32. Accession shall be affected by deposit of an instrument with the Secretary-General of the United Nations and the convention shall come into force as regards each Member on the date of deposit of each instrument of accession.

Sec. 33. The Secretary-General shall inform all Members of the United Nations of the deposit of each accession.

Sec. 34. It is understood that, when an instrument of accession is deposited on behalf of any Member, the Member will be in a position under its own law to give effect to the terms of this convention.

Sec. 35. This convention shall continue in force as between the United Nations and every Member which has deposited an instrument of accession for so long as that Member remains a Member of the United Nations, or until a revised general convention has been approved by the General Assembly and that Member has become a party to this revised convention.

Sec. 30. Toute contestation portant sur l'interprétation ou l'application de la présente convention sera portée devant la Cour internationale de Justice, à moins que, dans un cas donné, les parties ne conviennent d'avoir recours à un autre mode de règlement. Si un différend surgit entre l'Organisation des Nations Unies, d'une part, et un Membre, d'autre part, un avis consultatif sur tout point de droit soulevé, sera demandé en conformité de l'Article 96 de la Charte et de l'Article 65 du Statut de la Cour. L'avis de la Cour sera accepté par les parties comme décisif.

ARTICLE FINAL

Sec. 31. La présente convention est soumise pour adhésion à tous les Membres de l'Organisation des Nations Unies.

Sec. 32. L'adhésion s'effectuera par le dépôt d'un instrument auprès du Secrétaire général de l'Organisation des Nations Unies, et la convention entrera en vigueur à l'égard de chaque Membre, à la date du dépôt par ce Membre de son instrument d'adhésion.

Sec. 33. Le Secrétaire général informera tous les Membres de l'Organisation des Nations Unies du dépôt de chaque adhésion.

Sec. 34. Il est entendu que lorsqu'un instrument d'adhésion est déposé par un Membre quelconque, celui-ci doit être en mesure d'appliquer, en vertu de son propre droit, les dispositions de la présente convention.

Sec. 35. La présente convention restera en vigueur entre l'Organisation des Nations Unies et tout Membre qui aura déposé son instrument d'adhésion, tant que ce Membre sera Membre de l'Organisation ou jusqu'à ce qu'une convention générale révisée ait été approuvée par l'Assemblée générale et que ledit Membre soit devenu partie à cette dernière convention.

Sec. 36. The Secretary-General may conclude with any Member or Members supplementary agreements adjusting the provisions of this convention so far as that Member or those Members are concerned. These supplementary agreements shall in each case be subject to the approval of the General Assembly.

Sec. 36. Le Secrétaire général pourra conclure, avec un ou plusieurs Membres, des accords additionnels, aménageant, en ce qui concerne ce Membre ou ces Membres, les dispositions de la présente convention. Ces accords additionnels seront dans chaque cas soumis à l'approbation de l'Assemblée générale.

No. 654

STATUTE of the International Court of Justice. Annexed to the Charter of the United Nations, signed at San Francisco, June 26, 1945.

STATUT de la Cour Internationale de Justice. Annexé à la Charte des Nations Unies, signée à San Francisco, 26 juin 1945.

EDITOR'S NOTE. Article 92 of the Charter of the United Nations (No. 653, *ante*) provides that the International Court of Justice "shall be the principal judicial organ of the United Nations," and refers to the annexed Statute as "based upon the Statute of the Permanent Court of International Justice." The latter, annexed to a protocol of signature of December 16, 1920 (No. 37, *ante*), was revised by a protocol of September 14, 1929 (No. 37e, *ante*). The Dumbarton Oaks Proposals of October 7, 1944 (11 *U.S. Department of State Bulletin*, p. 368) had envisaged an international court of justice, a committee of jurists of the United Nations met at Washington, April 9-20, 1945, and prepared a draft which served as the basis of the deliberations of the San Francisco Conference. The International Court of Justice held its inaugural meeting at The Hague on April 18, 1946. Information on the activities of the Court is published in its *Yearbooks* issued since 1947, which also contain the texts of the declarations accepting the obligatory jurisdiction of the Court.

RATIFICATIONS. All members of the United Nations are parties to this Statute. In addition, Switzerland became a party in 1948.

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See also the bibliography under No. 653, *ante*.

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Article 1. The International Court of Justice established by the Charter of the United Nations as the principal judicial organ of the United Nations shall be constituted and shall function in accordance with the provisions of the present Statute.

Article 1. La Cour Internationale de Justice instituée par la Charte des Nations Unies comme organe judiciaire principal de l'Organisation sera constituée et fonctionnera conformément aux dispositions du présent Statut.

CHAPTER I

ORGANIZATION OF THE COURT

Art. 2. The Court shall be composed of a body of independent

CHAPITRE I

ORGANISATION DE LA COUR

Art. 2. La Cour est un corps de magistrats indépendants, élus, sans

judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

Art. 3.—1. The Court shall consist of fifteen members, no two of whom may be nationals of the same state.

2. A person who for the purposes of membership in the Court could be regarded as a national of more than one state shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

Art. 4.—1. The members of the Court shall be elected by the General Assembly and by the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration, in accordance with the following provisions.

2. In the case of Members of the United Nations not represented in the Permanent Court of Arbitration, candidates shall be nominated by national groups appointed for this purpose by their governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.

3. The conditions under which a state which is a party to the present Statute but is not a Member of the United Nations may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the General Assembly upon recommendation of the Security Council.

Art. 5.—1. At least three months before the date of the election, the Secretary-General of the United Na-

tion, *égard à leur nationalité, parmi les personnes jouissant de la plus haute considération morale, et qui réunissent les conditions requises pour l'exercice, dans leurs pays respectifs, des plus hautes fonctions judiciaires, ou qui sont des jurisconsultes possédant une compétence notoire en matière de droit international.*

Art. 3.—1. La Cour se compose de quinze membres. Elle ne pourra comprendre plus d'un ressortissant du même Etat.

2. A cet égard celui qui pourrait être considéré comme le ressortissant de plus d'un Etat, sera censé être ressortissant de celui où il exerce habituellement ses droits civils et politiques.

Art. 4.—1. Les membres de la Cour sont élus par l'Assemblée Générale et par le Conseil de Sécurité sur une liste de personnes présentées par les groupes nationaux de la Cour Permanente d'Arbitrage, conformément aux dispositions suivantes.

2. En ce qui concerne les Membres des Nations Unies qui ne sont pas représentés à la Cour Permanente d'Arbitrage, les candidats seront présentés par des groupes nationaux, désignés à cet effet par leurs gouvernements, dans les mêmes conditions que celles stipulées pour les membres de la Cour Permanente d'Arbitrage par l'article 44 de la Convention de La Haye de 1907 sur le règlement pacifique des conflits internationaux.

3. En l'absence d'accord spécial, l'Assemblée Générale, sur la recommandation du Conseil de Sécurité, règlera les conditions auxquelles peut participer à l'élection des membres de la Cour un Etat qui, tout en étant partie au présent Statut, n'est pas Membre des Nations Unies.

Art. 5.—1. Trois mois au moins avant la date de l'élection, le Secrétaire Général des Nations Unies

tions shall address a written request to the members of the Permanent Court of Arbitration belonging to the states which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

2. No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case may the number of candidates nominated by a group be more than double the number of seats to be filled.

Art. 6. Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of law.

Art. 7.—1. The Secretary-General shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in Article 12, paragraph 2, these shall be the only persons eligible.

2. The Secretary-General shall submit this list to the General Assembly and to the Security Council.

Art. 8. The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court.

Art. 9. At every election, the electors shall bear in mind not only that the persons to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

Art. 10.—1. Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected.

invite par écrit les membres de la Cour Permanente d'Arbitrage appartenant aux Etats qui sont parties au présent Statut, ainsi que les membres des groupes nationaux désignés conformément au paragraphe 2 de l'article 4, à procéder dans un délai déterminé, par groupes nationaux, à la présentation de personnes en situation de remplir les fonctions de membre de la Cour.

2. Chaque groupe ne peut, en aucun cas, présenter plus de quatre personnes dont deux au plus de sa nationalité. En aucun cas, il ne peut être présenté un nombre de candidats plus élevé que le double des sièges à pourvoir.

Art. 6. Avant de procéder à cette désignation, il est recommandé à chaque groupe national de consulter la plus haute cour de justice, les facultés et écoles de droit, les académies nationales et les sections nationales d'académies internationales, vouées à l'étude du droit.

Art. 7.—1. Le Secrétaire Général dresse, par ordre alphabétique, une liste de toutes les personnes ainsi désignées; seules ces personnes sont éligibles, sauf le cas prévu à l'article 12, paragraphe 2.

2. Le Secrétaire Général communique cette liste à l'Assemblée Générale et au Conseil de Sécurité.

Art. 8. L'Assemblée Générale et le Conseil de Sécurité procèdent indépendamment l'un de l'autre à l'élection des membres de la Cour.

Art. 9. Dans toute élection, les électeurs auront en vue que les personnes appelées à faire partie de la Cour, non seulement réunissent individuellement les conditions requises, mais assurent dans l'ensemble la représentation des grandes formes de civilisation et des principaux systèmes juridiques du monde.

Art. 10.—1. Sont élus ceux qui ont réuni la majorité absolue des voix dans l'Assemblée Générale et dans le Conseil de Sécurité.

2. Any vote of the Security Council, whether for the election of judges or for the appointment of members of the conference envisaged in Article 12, shall be taken without any distinction between permanent and non-permanent members of the Security Council.

3. In the event of more than one national of the same state obtaining an absolute majority of the votes both of the General Assembly and of the Security Council, the eldest of these only shall be considered as elected.

Art. 11. If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

Art. 12.—1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance.

2. If the joint conference is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Article 7.

3. If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.

2. Le vote au Conseil de Sécurité, soit pour l'élection des juges, soit pour la nomination des membres de la commission visée à l'article 12 ci-après, ne comportera aucune distinction entre membres permanents et membres non-permanents du Conseil de Sécurité.

3. Au cas où le double scrutin de l'Assemblée Générale et du Conseil de Sécurité se porterait sur plus d'un ressortissant du même Etat, le plus âgé est seul élu.

Art. 11. Si, après la première séance d'élection, il reste encore des sièges à pourvoir, il est procédé, de la même manière, à une seconde et, s'il est nécessaire, à une troisième.

Art. 12.—1. Si, après la troisième séance d'élection, il reste encore des sièges à pourvoir, il peut être à tout moment formé sur la demande, soit de l'Assemblée Générale, soit du Conseil de Sécurité, une Commission médiatrice de six membres, nommés trois par l'Assemblée Générale, trois par le Conseil de Sécurité, en vue de choisir par un vote à la majorité absolue, pour chaque siège non pourvu, un nom à présenter à l'adoption séparée de l'Assemblée Générale et du Conseil de Sécurité.

2. La Commission médiatrice peut porter sur sa liste le nom de toute personne satisfaisant aux conditions requises et qui recueille l'unanimité de ses suffrages, lors même qu'il n'aurait pas figuré sur la liste de présentation visée à l'article 7.

3. Si la Commission médiatrice constate qu'elle ne peut réussir à assurer l'élection, les membres de la Cour déjà nommés pourvoient aux sièges vacants, dans un délai à fixer par le Conseil de Sécurité, en choisissant parmi les personnes qui ont obtenu des suffrages soit dans l'Assemblée Générale, soit dans le Conseil de Sécurité.

4. In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

Art. 13.—1. The members of the Court shall be elected for nine years and may be re-elected; provided, however, that of the judges elected at the first election, the terms of five judges shall expire at the end of three years and the terms of five more judges shall expire at the end of six years.

2. The judges whose terms are to expire at the end of the above-mentioned initial periods of three and six years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.

3. The members of the Court shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

4. In the case of the resignation of a member of the Court, the resignation shall be addressed to the President of the Court for transmission to the Secretary-General. This last notification makes the place vacant.

Art. 14. Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council.

Art. 15. A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

Art. 16.—1. No member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature.

2. Any doubt on this point shall be settled by the decision of the Court.

4. Si, parmi les juges, il y a partage égal des voix, la voix du juge le plus âgé l'emporte.

Art. 13.—1. Les membres de la Cour sont élus pour neuf ans et ils sont rééligibles; toutefois, en ce qui concerne les juges nommés à la première élection de la Cour, les fonctions de cinq juges prendront fin au bout de trois ans, et celles de cinq autres juges prendront fin au bout de six ans.

2. Les juges dont les fonctions prendront fin au terme des périodes initiales de trois et six ans mentionnées ci-dessus seront désignés par tirage au sort effectué par le Secrétaire Général, immédiatement après qu'il aura été procédé à la première élection.

3. Les membres de la Cour restent en fonction jusqu'à leur remplacement. Après ce remplacement, ils continuent de connaître des affaires dont ils sont déjà saisis.

4. En cas de démission d'un membre de la Cour, la démission sera adressée au Président de la Cour, pour être transmise au Secrétaire Général. Cette dernière notification emporte vacance de siège.

Art. 14. Il est pourvu aux sièges devenus vacants selon la méthode suivie pour la première élection, sous réserve de la disposition ci-après: dans le mois qui suivra la vacance, le Secrétaire Général procèdera à l'invitation prescrite par l'article 5, et la date d'élection sera fixée par le Conseil de Sécurité.

Art. 15. Le membre de la Cour élu en remplacement d'un membre dont le mandat n'est pas expiré achève le terme du mandat de son prédécesseur.

Art. 16.—1. Les membres de la Cour ne peuvent exercer aucune fonction politique ou administrative, ni se livrer à aucune autre occupation de caractère professionnel.

2. En cas de doute, la Cour décide.

Art. 17.—1. No member of the Court may act as agent, counsel, or advocate in any case.

2. No member may participate in the decision of any case in which he has previously taken part as agent, counsel, or advocate for one of the parties, or as a member of a national or international court, or of a commission of enquiry, or in any other capacity.

3. Any doubt on this point shall be settled by the decision of the Court.

Art. 18.—1. No member of the Court can be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.

2. Formal notification thereof shall be made to the Secretary-General by the Registrar.

3. This notification makes the place vacant.

Art. 19. The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

Art. 20. Every member of the Court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and conscientiously.

Art. 21.—1. The Court shall elect its President and Vice-President for three years; they may be re-elected.

2. The Court shall appoint its Registrar and may provide for the appointment of such other officers as may be necessary.

Art. 22.—1. The seat of the Court shall be established at The Hague. This, however, shall not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable.

2. The President and the Registrar shall reside at the seat of the Court.

Art. 23.—1. The Court shall remain permanently in session, except

Art. 17.—1. Les membres de la Cour ne peuvent exercer les fonctions d'agent, de conseil ou d'avocat dans aucune affaire.

2. Ils ne peuvent participer au règlement d'aucune affaire dans laquelle ils sont antérieurement intervenus comme agents, conseils ou avocats de l'une des parties, membres d'un tribunal national ou international, d'une commission d'enquête, ou à tout autre titre.

3. En cas de doute, la Cour décide.

Art. 18.—1. Les membres de la Cour ne peuvent être relevés de leurs fonctions que si, au jugement unanime des autres membres, ils ont cessé de répondre aux conditions requises.

2. Le Secrétaire Général en est officiellement informé par le Greffier.

3. Cette communication emporte vacance de siège.

Art. 19. Les membres de la Cour jouissent, dans l'exercice de leurs fonctions, des privilèges et immunités diplomatiques.

Art. 20. Tout membre de la Cour doit, avant d'entrer en fonction, en séance publique, prendre l'engagement solennel d'exercer ses attributions en pleine impartialité et en toute conscience.

Art. 21.—1. La Cour nomme, pour trois ans, son Président et son Vice-Président; ils sont rééligibles.

2. Elle nomme son Greffier et peut pourvoir à la nomination de tels autres fonctionnaires qui seraient nécessaires.

Art. 22.—1. Le siège de la Cour est fixé à La Haye. La Cour peut toutefois siéger et exercer ses fonctions ailleurs lorsqu'elle le juge désirable.

2. Le Président et le Greffier résident au siège de la Cour.

Art. 23.—1. La Cour reste toujours en fonction, excepté pendant

during the judicial vacations, the dates and duration of which shall be fixed by the Court.

2. Members of the Court are entitled to periodic leave, the dates and duration of which shall be fixed by the Court, having in mind the distance between The Hague and the home of each judge.

3. Members of the Court shall be bound, unless they are on leave or prevented from attending by illness or other serious reasons duly explained to the President, to hold themselves permanently at the disposal of the Court.

Art. 24.—1. If, for some special reason, a member of the Court considers that he should not take part in the decision of a particular case, he shall so inform the President.

2. If the President considers that for some special reason one of the members of the Court should not sit in a particular case, he shall give him notice accordingly.

3. If in any such case the member of the Court and the President disagree, the matter shall be settled by the decision of the Court.

Art. 25.—1. The full Court shall sit except when it is expressly provided otherwise in the present Statute.

2. Subject to the condition that the number of judges available to constitute the Court is not thereby reduced below eleven, the Rules of the Court may provide for allowing one or more judges, according to circumstances and in rotation, to be dispensed from sitting.

3. A quorum of nine judges shall suffice to constitute the Court.

Art. 26.—1. The Court may from time to time form one or more chambers, composed of three or more judges as the Court may determine, for dealing with particular categories of cases; for example, labor cases and cases relating to transit and communications.

les vacances judiciaires, dont les périodes et la durée sont fixées par la Cour.

2. Les membres de la Cour ont droit à des congés périodiques dont la date et la durée seront fixées par la Cour, en tenant compte de la distance qui sépare La Haye de leurs foyers.

3. Les membres de la Cour sont tenus, à moins de congé, d'empêchement pour cause de maladie ou autre motif grave dûment justifié auprès du Président, d'être à tout moment à la disposition de la Cour.

Art. 24.—1. Si, pour une raison spéciale, l'un des membres de la Cour estime devoir ne pas participer au jugement d'une affaire déterminée, il en fait part au Président.

2. Si le Président estime qu'un des membres de la Cour ne doit pas, pour une raison spéciale, siéger dans une affaire déterminée, il en avertit celui-ci.

3. Si, en pareils cas, le membre de la Cour et le Président sont en désaccord, la Cour décide.

Art. 25.—1. Sauf exception expressément prévue par le présent Statut, la Cour exerce ses attributions en séance plénière.

2. Sous la condition que le nombre des juges disponibles pour constituer la Cour ne soit pas réduit à moins de onze, le Règlement de la Cour pourra prévoir que, selon les circonstances et à tour de rôle, un ou plusieurs juges pourront être dispensés de siéger.

3. Le quorum de neuf est suffisant pour constituer la Cour.

Art. 26.—1. La Cour peut, à toute époque, constituer une ou plusieurs chambres composées de trois juges au moins selon ce qu'elle décidera, pour connaître de catégories déterminées d'affaires, par exemple d'affaires de travail et d'affaires concernant le transit et les communications.

2. The Court may at any time form a chamber for dealing with a particular case. The number of judges to constitute such a chamber shall be determined by the Court with the approval of the parties.

3. Cases shall be heard and determined by the chambers provided for in this Article if the parties so request.

Art. 27. A judgment given by any of the chambers provided for in Articles 26 and 29 shall be considered as rendered by the Court.

Art. 28. The chambers provided for in Articles 26 and 29 may, with the consent of the parties, sit and exercise their functions elsewhere than at The Hague.

Art. 29. With a view to the speedy despatch of business, the Court shall form annually a chamber composed of five judges which, at the request of the parties, may hear and determine cases by summary procedure. In addition, two judges shall be selected for the purpose of replacing judges who find it impossible to sit.

Art. 30.—1. The Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure.

2. The Rules of the Court may provide for assessors to sit with the Court or with any of its chambers, without the right to vote.

Art. 31.—1. Judges of the nationality of each of the parties shall retain their right to sit in the case before the Court.

2. If the Court includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge. Such person shall be chosen preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.

3. If the Court includes upon the Bench no judge of the nationality of the parties, each of these parties may

2. La Cour peut, à toute époque, constituer une chambre pour connaître d'une affaire déterminée. Le nombre des juges de cette chambre sera fixé par la Cour avec l'assentiment des parties.

3. Les chambres prévues au présent article statueront, si les parties le demandent.

Art. 27. Tout arrêt rendu par l'une des chambres prévues aux articles 26 et 29 sera considéré comme rendu par la Cour.

Art. 28. Les chambres prévues aux articles 26 et 29 peuvent, avec le consentement des parties, siéger et exercer leurs fonctions ailleurs qu'à La Haye.

Art. 29. En vue de la prompte expédition des affaires, la Cour compose annuellement une chambre de cinq juges, appelés à statuer en procédure sommaire lorsque les parties le demandent. Deux juges seront, en outre, désignés pour remplacer celui des juges qui se trouverait dans l'impossibilité de siéger.

Art. 30.—1. La Cour détermine par un règlement le mode suivant lequel elle exerce ses attributions. Elle règle notamment sa procédure.

2. Le Règlement de la Cour peut prévoir des assesseurs siégeant à la Cour ou dans ses chambres, sans droit de vote.

Art. 31.—1. Les juges de la nationalité de chacune des parties conservent le droit de siéger dans l'affaire dont la Cour est saisie.

2. Si la Cour compte sur le siège un juge de la nationalité d'une des parties, toute autre partie peut désigner une personne de son choix pour siéger en qualité de juge. Celle-ci devra être prise de préférence parmi les personnes qui ont été l'objet d'une présentation en conformité des articles 4 et 5.

3. Si la Cour ne compte sur le siège aucun juge de la nationalité des parties, chacune de ces parties

proceed to choose a judge as provided in paragraph 2 of this Article.

4. The provisions of this Article shall apply to the case of Articles 26 and 29. In such cases, the President shall request one or, if necessary, two of the members of the Court forming the chamber to give place to the members of the Court of the nationality of the parties concerned, and, failing such, or if they are unable to be present, to the judges specially chosen by the parties.

5. Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point shall be settled by the decision of the Court.

6. Judges chosen as laid down in paragraphs 2, 3, and 4 of this Article shall fulfil the conditions required by Articles 2, 17 (paragraph 2), 20, and 24 of the present Statute. They shall take part in the decision on terms of complete equality with their colleagues.

Art. 32.—1. Each member of the Court shall receive an annual salary.

2. The President shall receive a special annual allowance.

3. The Vice-President shall receive a special allowance for every day on which he acts as President.

4. The judges chosen under Article 31, other than members of the Court, shall receive compensation for each day on which they exercise their functions.

5. These salaries, allowances, and compensation shall be fixed by the General Assembly. They may not be decreased during the term of office.

6. The salary of the Registrar shall be fixed by the General Assembly on the proposal of the Court.

7. Regulations made by the General Assembly shall fix the conditions under which retirement pensions may

peut procéder à la désignation d'un juge de la même manière qu'au paragraphe précédent.

4. Le présent article s'applique dans le cas des articles 26 et 29. En pareils cas, le Président priera un, ou, s'il y a lieu, deux des membres de la Cour composant la chambre, de céder leur place aux membres de la Cour de la nationalité des parties intéressées et, à défaut ou en cas d'empêchement, aux juges spécialement désignés par les parties.

5. Lorsque plusieurs parties font cause commune, elles ne comptent, pour l'application des dispositions qui précèdent, que pour une seule. En cas de doute, la Cour décide.

6. Les juges désignés, comme il est dit aux paragraphes 2, 3 et 4 du présent article, doivent satisfaire aux prescriptions des articles 2, 17, paragraphe 2, 20 et 24 du présent Statut. Ils participent à la décision dans des conditions de complète égalité avec leurs collègues.

Art. 32.—1. Les membres de la Cour reçoivent un traitement annuel.

2. Le Président reçoit une allocation annuelle spéciale.

3. Le Vice-Président reçoit une allocation spéciale pour chaque jour où il remplit les fonctions de Président.

4. Les juges désignés par application de l'article 31, autres que les membres de la Cour, reçoivent une indemnité pour chaque jour où ils exercent leurs fonctions.

5. Ces traitements, allocations et indemnités sont fixés par l'Assemblée Générale. Ils ne peuvent être diminués pendant la durée des fonctions.

6. Le traitement du Greffier est fixé par l'Assemblée Générale sur la proposition de la Cour.

7. Un règlement adopté par l'Assemblée Générale fixe les conditions dans lesquelles des pensions sont

be given to members of the Court and to the Registrar, and the conditions under which members of the Court and the Registrar shall have their traveling expenses refunded.

8. The above salaries, allowances, and compensation shall be free of all taxation.

Art. 33. The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly.

CHAPTER II

COMPETENCE OF THE COURT

Art. 34.—1. Only states may be parties in cases before the Court.

2. The Court, subject to and in conformity with its Rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative.

3. Whenever the construction of the constituent instrument of a public international organization or of an international convention adopted thereunder is in question in a case before the Court, the Registrar shall so notify the public international organization concerned and shall communicate to it copies of all the written proceedings.

Art. 35.—1. The Court shall be open to the states parties to the present Statute.

2. The conditions under which the Court shall be open to other states shall, subject to the special provisions contained in treaties in force, be laid down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.

3. When a state which is not a Member of the United Nations is a party to a case, the Court shall fix the amount which that party is to

allouées aux membres de la Cour et au Greffier, ainsi que les conditions dans lesquelles les membres de la Cour et le Greffier reçoivent le remboursement de leurs frais de voyage.

8. Les traitements, allocations et indemnités sont exempts de tout impôt.

Art. 33. Les frais de la Cour sont supportés par les Nations Unies de la manière que l'Assemblée Générale décide.

CHAPITRE II

COMPÉTENCE DE LA COUR

Art. 34.—1. Seuls les Etats ont qualité pour se présenter devant la Cour.

2. La Cour, dans les conditions prescrites par son Règlement, pourra demander aux organisations internationales publiques des renseignements relatifs aux affaires portées devant elle, et recevra également lesdits renseignements qui lui seraient présentés par ces organisations de leur propre initiative.

3. Lorsque l'interprétation de l'acte constitutif d'une organisation internationale publique ou celle d'une convention internationale adoptée en vertu de cet acte est mise en question dans une affaire soumise à la Cour, le Greffier en avise cette organisation et lui communique toute la procédure écrite.

Art. 35.—1. La Cour est ouverte aux Etats parties au présent Statut.

2. Les conditions auxquelles elle est ouverte aux autres Etats sont, sous réserve des dispositions particulières des traités en vigueur, réglées par le Conseil de Sécurité, et, dans tous les cas, sans qu'il puisse en résulter pour les parties aucune inégalité devant la Cour.

3. Lorsqu'un Etat, qui n'est pas Membre des Nations Unies, est partie en cause, la Cour fixera la contribution aux frais de la Cour

contribute towards the expenses of the Court. This provision shall not apply if such state is bearing a share of the expenses of the Court.

Art. 36.—1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.

2. The states parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

- (a) the interpretation of a treaty;
- (b) any question of international law;
- (c) the existence of any fact which, if established, would constitute a breach of an international obligation;

(d) the nature or extent of the reparation to be made for the breach of an international obligation.

3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.

4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.

5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms.

que cette partie devra supporter. Toutefois, cette disposition ne s'appliquera pas, si cet Etat participe aux dépenses de la Cour.

Art. 36.—1. La compétence de la Cour s'étend à toutes les affaires que les parties lui soumettront, ainsi qu'à tous les cas spécialement prévus dans la Charte des Nations Unies ou dans les traités et conventions en vigueur.

2. Les Etats parties au présent Statut, pourront, à n'importe quel moment, déclarer reconnaître comme obligatoire de plein droit et sans convention spéciale, à l'égard de tout autre Etat acceptant la même obligation, la juridiction de la Cour sur tous les différends d'ordre juridique ayant pour objet:

- a) l'interprétation d'un traité;
- b) tout point de droit international;
- c) la réalité de tout fait qui, s'il était établi, constituerait la violation d'un engagement international;

d) la nature ou l'étendue de la réparation due pour la rupture d'un engagement international.

3. Les déclarations ci-dessus visées pourront être faites purement et simplement ou sous condition de réciprocité de la part de plusieurs ou de certains Etats, ou pour un délai déterminé.

4. Ces déclarations seront remises au Secrétaire Général des Nations Unies qui en transmettra copie aux parties au présent Statut ainsi qu'au Greffier de la Cour.

5. Les déclarations faites en application de l'article 36 du Statut de la Cour Permanente de Justice Internationale pour une durée qui n'est pas encore expirée seront considérées, dans les rapports entre parties au présent Statut, comme comportant acceptation de la juridiction obligatoire de la Cour Internationale de Justice pour la durée restant à courir d'après ces déclarations et conformément à leurs termes.

6. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

Art. 37. Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice.

Art. 38.—1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

(a) international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;

(b) international custom, as evidence of a general practice accepted as law;

(c) the general principles of law recognized by civilized nations;

(d) subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

2. This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

CHAPTER III

PROCEDURE

Art. 39.—1. The official languages of the Court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment shall be delivered in French. If the parties agree that the case shall be conducted in English, the judgment shall be delivered in English.

2. In the absence of an agreement as to which language shall be employed, each party may, in the plead-

6. En cas de contestation sur le point de savoir si la Cour est compétente, la Cour décide.

Art. 37. Lorsqu'un traité ou une convention en vigueur prévoit le renvoi à une juridiction que devait instituer la Société des Nations ou à la Cour Permanente de Justice Internationale, la Cour Internationale de Justice constituera cette juridiction entre les parties au présent Statut.

Art. 38.—1. La Cour, dont la mission est de régler conformément au droit international les différends qui lui sont soumis, applique:

a) les conventions internationales, soit générales, soit spéciales, établissant des règles expressément reconnues par les Etats en litige;

b) la coutume internationale comme preuve d'une pratique générale acceptée comme étant le droit;

c) les principes généraux de droit reconnus par les nations civilisées;

d) sous réserve de la disposition de l'article 59, les décisions judiciaires et la doctrine des publicistes les plus qualifiés des différentes nations, comme moyen auxiliaire de détermination des règles de droit.

2. La présente disposition ne porte pas atteinte à la faculté pour la Cour, si les parties sont d'accord, de statuer *ex aequo et bono*.

CHAPITRE III

PROCÉDURE

Art. 39.—1. Les langues officielles de la Cour sont le français et l'anglais. Si les parties sont d'accord pour que toute la procédure ait lieu en français, le jugement sera prononcé en cette langue. Si les parties sont d'accord pour que toute la procédure ait lieu en anglais, le jugement sera prononcé en cette langue.

2. A défaut d'un accord fixant la langue dont il sera fait usage, les parties pourront employer pour les

ings, use the language which it prefers; the decision of the Court shall be given in French and English. In this case the Court shall at the same time determine which of the two texts shall be considered as authoritative.

3. The Court shall, at the request of any party, authorize a language other than French or English to be used by that party.

Art. 40.—1. Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the parties shall be indicated.

2. The Registrar shall forthwith communicate the application to all concerned.

3. He shall also notify the Members of the United Nations through the Secretary-General, and also any other states entitled to appear before the Court.

Art. 41.—1. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.

2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.

Art. 42.—1. The parties shall be represented by agents.

2. They may have the assistance of counsel or advocates before the Court.

3. The agents, counsel, and advocates of parties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties.

Art. 43.—1. The procedure shall consist of two parts: written and oral.

2. The written proceedings shall consist of the communication to the Court and to the parties of memo-

plaidoiries celle des deux langues qu'elles préféreront, et l'arrêt de la Cour sera rendu en français et en anglais. En ce cas, la Cour désignera en même temps celui des deux textes qui fera foi.

3. La Cour, à la demande de toute partie, autorisera l'emploi par cette partie d'une langue autre que le français ou l'anglais.

Art. 40.—1. Les affaires sont portées devant la Cour, selon le cas, soit par notification du compromis, soit par une requête, adressées au Greffier; dans les deux cas, l'objet du différend et les parties doivent être indiqués.

2. Le Greffier donne immédiatement communication de la requête à tous intéressés.

3. Il en informe également les Membres des Nations Unies par l'entremise du Secrétaire Général, ainsi que les autres Etats admis à ester en justice devant la Cour.

Art. 41.—1. La Cour a le pouvoir d'indiquer, si elle estime que les circonstances l'exigent, quelles mesures conservatoires du droit de chacun doivent être prises à titre provisoire.

2. En attendant l'arrêt définitif, l'indication de ces mesures est immédiatement notifiée aux parties et au Conseil de Sécurité.

Art. 42.—1. Les parties sont représentées par des agents.

2. Elles peuvent se faire assister devant la Cour par des conseils ou des avocats.

3. Les agents, conseils et avocats des parties devant la Cour jouiront des privilèges et immunités nécessaires à l'exercice indépendant de leurs fonctions.

Art. 43.—1. La procédure a deux phases: l'une écrite, l'autre orale.

2. La procédure écrite comprend la communication à juge et à partie des mémoires, des contre-mémoires,

rials, counter-memorials and, if necessary, replies; also all papers and documents in support.

3. These communications shall be made through the Registrar, in the order and within the time fixed by the Court.

4. A certified copy of every document produced by one party shall be communicated to the other party.

5. The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel, and advocates.

Art. 44.—1. For the service of all notices upon persons other than the agents, counsel, and advocates, the Court shall apply direct to the government of the state upon whose territory the notice has to be served.

2. The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

Art. 45. The hearing shall be under the control of the President or, if he is unable to preside, of the Vice-President; if neither is able to preside, the senior judge present shall preside.

Art. 46. The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

Art. 47.—1. Minutes shall be made at each hearing and signed by the Registrar and the President.

2. These minutes alone shall be authentic.

Art. 48. The Court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

Art. 49. The Court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

et éventuellement, des répliques, ainsi que de toute pièce et document à l'appui.

3. La communication se fait par l'entremise du Greffier dans l'ordre et les délais déterminés par la Cour.

4. Toute pièce produite par l'une des parties doit être communiquée à l'autre en copie certifiée conforme.

5. La procédure orale consiste dans l'audition par la Cour des témoins, experts, agents, conseils et avocats.

Art. 44.—1. Pour toute notification à faire à d'autres personnes que les agents, conseils et avocats, la Cour s'adresse directement au gouvernement de l'Etat sur le territoire duquel la notification doit produire effet.

2. Il en est de même s'il s'agit de faire procéder sur place à l'établissement de tous moyens de preuve.

Art. 45. Les débats sont dirigés par le Président et, à défaut de celui-ci, par le Vice-Président; en cas d'empêchement, par le plus ancien des juges présents.

Art. 46. L'audience est publique, à moins qu'il n'en soit autrement décidé par la Cour ou que les deux parties ne demandent que le public ne soit pas admis.

Art. 47.—1. Il est tenu de chaque audience un procès-verbal signé par le Greffier et le Président.

2. Ce procès-verbal a seul caractère authentique.

Art. 48. La Cour rend des ordonnances pour la direction du procès, la détermination des formes et délais dans lesquels chaque partie doit finalement conclure; elle prend toutes les mesures que comporte l'administration des preuves.

Art. 49. La Cour peut, même avant tout débat, demander aux agents de produire tout document et de fournir toutes explications. En cas de refus, elle en prend acte.

Art. 50. The Court may, at any time, entrust any individual, body, bureau, commission, or other organization that it may select, with the task of carrying out an enquiry or giving an expert opinion.

Art. 51. During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the Court in the rules of procedure referred to in Article 30.

Art. 52. After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

Art. 53.—1. Whenever one of the parties does not appear before the Court, or fails to defend its case, the other party may call upon the Court to decide in favor of its claim.

2. The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

Art. 54.—1. When, subject to the control of the Court, the agents, counsel, and advocates have completed their presentation of the case, the President shall declare the hearing closed.

2. The Court shall withdraw to consider the judgment.

3. The deliberations of the Court shall take place in private and remain secret.

Art. 55.—1. All questions shall be decided by a majority of the judges present.

2. In the event of an equality of votes, the President or the judge who acts in his place shall have a casting vote.

Art. 56.—1. The judgment shall state the reasons on which it is based.

2. It shall contain the names of the judges who have taken part in the decision.

Art. 50. A tout moment, la Cour peut confier une enquête ou une expertise à toute personne, corps, bureau, commission ou organe de son choix.

Art. 51. Au cours des débats, toutes questions utiles sont posées aux témoins et experts dans les conditions que fixera la Cour dans le règlement visé à l'article 30.

Art. 52. Après avoir reçu les preuves et témoignages dans les délais déterminés par elle, la Cour peut écarter toutes dépositions ou documents nouveaux qu'une des parties voudrait lui présenter sans l'assentiment de l'autre.

Art. 53.—1. Lorsqu'une des parties ne se présente pas, ou s'abstient de faire valoir ses moyens, l'autre partie peut demander à la Cour de lui adjuger ses conclusions.

2. La Cour, avant d'y faire droit, doit s'assurer non seulement qu'elle a compétence aux termes des articles 36 et 37, mais que les conclusions sont fondées en fait et en droit.

Art. 54.—1. Quand les agents, conseils et avocats ont fait valoir, sous le contrôle de la Cour, tous les moyens qu'ils jugent utiles, le Président prononce la clôture des débats.

2. La Cour se retire en Chambre du Conseil pour délibérer.

3. Les délibérations de la Cour sont et restent secrètes.

Art. 55.—1. Les décisions de la Cour sont prises à la majorité des juges présents.

2. En cas de partage des voix, la voix du Président ou de celui qui le remplace est prépondérante.

Art. 56.—1. L'arrêt est motivé.

2. Il mentionne les noms des juges qui y ont pris part.

Art. 57. If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

Art. 58. The judgment shall be signed by the President and by the Registrar. It shall be read in open court, due notice having been given to the agents.

Art. 59. The decision of the Court has no binding force except between the parties and in respect of that particular case.

Art. 60. The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

Art. 61.—1. An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

2. The proceedings for revision shall be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

3. The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

4. The application for revision must be made at latest within six months of the discovery of the new fact.

5. No application for revision may be made after the lapse of ten years from the date of the judgment.

Art. 62.—1. Should a state consider that it has an interest of a legal nature which may be affected by the

Art. 57. Si l'arrêt n'exprime pas en tout ou en partie l'opinion unanime des juges, tout juge aura le droit d'y joindre l'exposé de son opinion individuelle.

Art. 58. L'arrêt est signé par le Président et par le Greffier. Il est lu en séance publique, les agents dûment prévenus.

Art. 59. La décision de la Cour n'est obligatoire que pour les parties en litige et dans le cas qui a été décidé.

Art. 60. L'arrêt est définitif et sans recours. En cas de contestation sur le sens et la portée de l'arrêt, il appartient à la Cour de l'interpréter, à la demande de toute partie.

Art. 61.—1. La revision de l'arrêt ne peut être éventuellement demandée à la Cour qu'en raison de la découverte d'un fait de nature à exercer une influence décisive et qui, avant le prononcé de l'arrêt, était inconnu de la Cour et de la partie qui demande la revision, sans qu'il y ait, de sa part, faute à l'ignorer.

2. La procédure de revision s'ouvre par un arrêt de la Cour constatant expressément l'existence du fait nouveau, lui reconnaissant les caractères qui donnent ouverture à la revision, et déclarant de ce chef la demande recevable.

3. La Cour peut subordonner l'ouverture de la procédure en revision à l'exécution préalable de l'arrêt.

4. La demande en revision devra être formée au plus tard dans le délai de six mois après la découverte du fait nouveau.

5. Aucune demande de revision ne pourra être formée après l'expiration d'un délai de dix ans à dater de l'arrêt.

Art. 62.—1. Lorsqu'un Etat estime que, dans un différend, un intérêt d'ordre juridique est pour lui en

decision in the case, it may submit a request to the Court to be permitted to intervene.

2. It shall be for the Court to decide upon this request.

Art. 63.—1. Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the Registrar shall notify all such states forthwith.

2. Every state so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

Art. 64. Unless otherwise decided by the Court, each party shall bear its own costs.

CHAPTER IV

ADVISORY OPINIONS

Art. 65.—1. The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.

2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to throw light upon the question.

Art. 66.—1. The Registrar shall forthwith give notice of the request for an advisory opinion to all states entitled to appear before the Court.

2. The Registrar shall also, by means of a special and direct communication, notify any state entitled to appear before the Court or international organization considered by the Court, or, should it not be sitting, by the President, as likely to be able to furnish information on the question, that the Court will be

cause, il peut adresser à la Cour une requête, à fin d'intervention.

2. La Cour décide.

Art. 63.—1. Lorsqu'il s'agit de l'interprétation d'une convention à laquelle ont participé d'autres Etats que les parties en litige, le Greffier les avertit sans délai.

2. Chacun d'eux a le droit d'intervenir au procès, et s'il exerce cette faculté, l'interprétation contenue dans la sentence est également obligatoire à son égard.

Art. 64. S'il n'en est autrement décidé par la Cour, chaque partie supporte ses frais de procédure.

CHAPITRE IV

AVIS CONSULTATIFS

Art. 65.—1. La Cour peut donner un avis consultatif sur toute question juridique, à la demande de tout organe ou institution qui aura été autorisé par la Charte de Nations Unies ou conformément à ses dispositions, à demander cet avis.

2. Les questions sur lesquelles l'avis consultatif de la Cour est demandé sont exposées à la Cour par une requête écrite qui formule, en termes précis, la question sur laquelle l'avis de la Cour est demandé. Il y est joint tout document pouvant servir à élucider la question.

Art. 66.—1. Le Greffier notifie immédiatement la requête demandant l'avis consultatif à tous les Etats admis à ester en justice devant la Cour.

2. En outre, à tout Etat admis à ester devant la Cour et à toute organisation internationale jugés, par la Cour ou par le Président si elle ne siège pas, susceptibles de fournir des renseignements sur la question, le Greffier fait connaître, par communication spéciale et directe, que la Cour est disposée à recevoir des

prepared to receive, within a time limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.

3. Should any such state entitled to appear before the Court have failed to receive the special communication referred to in paragraph 2 of this Article, such state may express a desire to submit a written statement or to be heard; and the Court will decide.

4. States and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other states or organizations in the form, to the extent, and within the time limits which the Court, or, should it not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to states and organizations having submitted similar statements.

Art. 67. The Court shall deliver its advisory opinions in open court, notice having been given to the Secretary-General and to the representatives of Members of the United Nations, of other states and of international organizations immediately concerned.

Art. 68. In the exercise of its advisory functions the Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.

CHAPTER V AMENDMENT

Art. 69. Amendments to the present Statute shall be effected by the same procedure as is provided by the Charter of the United Nations for amendments to that Charter, subject however to any provisions

exposés écrits dans un délai à fixer par le Président, ou à entendre des exposés oraux au cours d'une audience publique tenue à cet effet.

3. Si un de ces Etats, n'ayant pas été l'objet de la communication spéciale visée au paragraphe 2 du présent article, exprime le désir de soumettre un exposé écrit ou d'être entendu, la Cour statue.

4. Les Etats ou organisations qui ont présenté des exposés écrits ou oraux sont admis à discuter les exposés faits par d'autres Etats et organisations dans les formes, mesures et délais fixés, dans chaque cas d'espèce, par la Cour ou, si elle ne siège pas, par le Président. A cet effet, le Greffier communique, en temps voulu, les exposés écrits aux Etats ou organisations qui en ont eux-mêmes présenté.

Art. 67. La Cour prononcera ses avis consultatifs en audience publique, le Secrétaire Général et les représentants des Membres des Nations Unies des autres Etats et des organisations internationales directement intéressés étant prévenus.

Art. 68. Dans l'exercice de ses attributions consultatives, la Cour s'inspirera en outre des dispositions du présent Statut qui s'appliquent en matière contentieuse, dans la mesure où elle les reconnaîtra applicables.

CHAPITRE V AMENDEMENTS

Art. 69. Les amendements au présent Statut seront effectués par la même procédure que celle prévue pour les amendements à la Charte des Nations Unies, sous réserve des dispositions qu'adopterait l'As-

which the General Assembly upon recommendation of the Security Council may adopt concerning the participation of states which are parties to the present Statute but are not Members of the United Nations.

Art. 70. The Court shall have power to propose such amendments to the present Statute as it may deem necessary, through written communications to the Secretary-General, for consideration in conformity with the provisions of Article 69.

semblée Générale, sur la recommandation du Conseil de Sécurité, pour régler la participation à cette procédure des Etats qui, tout en ayant accepté le présent Statut de la Cour, ne sont pas Membres des Nations Unies.

Art. 70. La Cour pourra proposer les amendements qu'elle jugera nécessaire d'apporter au présent Statut, par la voie de communications écrites adressées au Secrétaire Général, aux fins d'examen conformément aux dispositions de l'article 69.

No. 654a

Rules of the International Court of Justice. Adopted at The Hague, May 6, 1946.

Règlement de la Cour Internationale de Justice. Adopté à La Haye, 6 mai 1946.

EDITOR'S NOTE. These Rules are modeled on the rules of the Permanent Court of International Justice, which were adopted on March 24, 1922, and revised on July 31, 1926, September 7, 1927, February 21, 1931, and March 11, 1936 (Nos. 37c and 437, *ante*).

Entered into force May 6, 1946.

Text from I.C.J. Publications, Series D, No. 1 (2d edition), pp. 54-83.

PREAMBLE

The Court,
Having regard to Chapter XIV of the Charter of the United Nations;
Having regard to the Statute of the Court annexed thereto;
Acting in pursuance of Article 30 of the Statute;
Makes the present Rules:

Heading I

CONSTITUTION AND WORKING OF THE COURT

SECTION I.—CONSTITUTION OF THE COURT

Judges and Assessors

Article 1. The term of office of members of the Court elected in February 1946, begins to run on the date of their election. In the case of members of the

PRÉAMBULE

La Cour,
Vu le chapitre XIV de la Charte des Nations unies;
Vu le Statut de la Cour annexé à ladite Charte;
Agissant en vertu de l'article 30 dudit Statut;
Arrête le présent Règlement:

Titre I

CONSTITUTION ET FONCTIONNEMENT DE LA COUR

SECTION I.—CONSTITUTION DE LA COUR

Des juges et des assesseurs

Article 1. La période de fonctions commence à courir le jour de l'élection pour les membres de la Cour élus en février 1946. Pour les membres de la Cour élus ulté-

Court elected later, the term of office shall begin to run on the date of the expiry of the term of their predecessors. Nevertheless, in the case of a member elected to fill an occasional vacancy, the term of office shall begin to run on the date of the election.

Art. 2.—1. Members of the Court elected during the same session of the General Assembly of the United Nations shall take precedence according to seniority of age. Members elected during an earlier session shall take precedence over members elected at a subsequent session. A member of the Court who is re-elected without interval, shall retain his former precedence. Judges chosen under Article 31 of the Statute from outside the Court shall take precedence after the other judges in order of seniority of age.

2. The Vice-President shall take his seat on the right of the President. The other judges shall take their seats on the left and right of the President in the order laid down above.

Art. 3.—1. Any State which considers that it possesses and which intends to exercise the right to choose a judge under Article 31 of the Statute shall so notify the Registry within the time-limit fixed for the filing of the Memorial or Counter-Memorial, as the case may be, or, when it is a case of summary procedure, the filing of the corresponding pleading. The name of the person chosen to sit as judge shall be stated either at the time of giving the notification above mentioned or within a time-limit to be fixed by the President. These notifications shall be communicated to the other parties and they may submit their views to the Court within a time-limit to be fixed by the President. If any doubt or objection should arise, the decision shall rest with the Court, if necessary after hearing the parties.

2. If, on receipt of one or more notifications under the terms of the preceding paragraph, the Court finds that there are several parties in the same interest and that none of them has a judge of its nationality upon the Bench, it shall fix a time-limit within which these parties, acting in concert, may choose a judge under Article 31 of the Statute. If, at the expiration of this time-limit, they have not notified their choice, the Court shall nevertheless proceed to examine and adjudicate upon the case.

riurement, ladite période commence à courir à la date d'expiration du terme des fonctions de leurs prédécesseurs. Toutefois, dans le cas d'élection effectuée pour pourvoir à un siège vacant, la période de fonctions commence à courir à la date de l'élection.

Art. 2.—1. Les membres de la Cour élus au cours de la même session de l'Assemblée générale des Nations unies prennent rang d'après leur ancienneté d'âge. Les membres élus au cours d'une session antérieure prennent rang avant les membres élus au cours des sessions ultérieures. En cas de réélection immédiate, le membre de la Cour conserve son rang antérieur. Les juges désignés en vertu des dispositions de l'article 31 du Statut prennent rang après les autres juges, dans l'ordre d'ancienneté d'âge.

2. Le Vice-Président siège à la droite du Président. Les autres juges siègent à la gauche et à la droite du Président, selon l'ordre ci-dessus établi.

Art. 3.—1. Tout Etat qui estime avoir et entend exercer la faculté de désigner un juge conformément à l'article 31 du Statut, doit le notifier au Greffe dans le délai fixé pour la présentation du mémoire ou du contre-mémoire suivant le cas ou, dans la procédure sommaire, de la pièce qui en tient lieu. Le nom de la personne choisie pour siéger comme juge doit être indiqué soit au moment de la notification ci-dessus mentionnée, soit dans le délai fixé par le Président. Ces notifications sont communiquées aux autres parties, qui peuvent faire connaître à la Cour leur opinion dans un délai également fixé par le Président. En cas de doute ou de contestation, la Cour décide, après avoir entendu les parties s'il y a lieu.

2. Si, après avoir reçu une ou plusieurs notifications en exécution du paragraphe précédent, la Cour constate que plusieurs parties font cause commune et qu'aucune d'elles ne compte sur le siège un juge de sa nationalité, la Cour leur fixe un délai pour désigner d'un commun accord un juge conformément aux dispositions de l'article 31 du Statut. Si, à l'expiration de ce délai, lesdites parties n'ont pas notifié leur désignation, la Cour poursuit néanmoins l'examen et le jugement de l'affaire.

Art. 4. Where one or more of the parties are entitled to choose a judge under Article 31 of the Statute, the Court may sit with a number of judges exceeding the number of members of the Court fixed by the Statute.

Art. 5.—1. The declaration to be made by every judge in accordance with Article 20 of the Statute shall be as follows:

“I solemnly declare that I will perform my duties and exercise my powers as judge honourably, faithfully, impartially and conscientiously.”

2. This declaration shall be made at the first public sitting of the Court at which the judge is present after his election or after being chosen under Article 31 of the Statute.

Art. 6. For the purpose of applying Article 18 of the Statute the President, or if necessary the Vice-President, shall convene the members of the Court. The member affected shall be allowed to furnish explanations. When he has done so the question shall be discussed and a vote shall be taken, the member affected not being present. If the members present are unanimous, the Registrar shall issue the notification prescribed in the above-mentioned Article.

Art. 7.—1. The Court may, either upon its own initiative or upon the request of a party made not later than the end of the written proceedings, decide, for the purpose of a particular case, to appoint assessors to sit with it but without the power to vote.

2. When the Court so decides, the President shall take steps to obtain all the information relevant to the choice of the assessors.

3. The assessors shall be appointed, by secret ballot and by an absolute majority of votes, at a private meeting of the Court.

4. The same functions shall belong to the Chamber provided for by Article 29 of the Statute and to its President, and may be exercised in the same manner.

Art. 8. Before entering upon their duties, assessors shall make the following declaration at a public sitting:

“I solemnly declare that I will perform my duties as an assessor honourably, faithfully, impartially and conscientiously, and that I will scrupu-

Art. 4. Dans le cas où une ou plusieurs parties ont le droit de désigner un juge dans les conditions requises par l'article 31 du Statut, la Cour peut siéger avec un nombre de juges plus élevé que le nombre des membres de la Cour fixé par le Statut.

Art. 5.—1. La déclaration que doit faire tout juge conformément à l'article 20 du Statut est ainsi rédigée:

“Je déclare solennellement que j'exercerai tous mes devoirs et attributions de juge en tout honneur et dévouement, en pleine et parfaite impartialité et en toute conscience.”

2. Cette déclaration doit être faite au cours de la première séance publique de la Cour à laquelle le juge assiste après son élection ou sa désignation en vertu de l'article 31 du Statut.

Art. 6. Pour l'application de l'article 18 du Statut, le Président ou, le cas échéant, le Vice-Président, convoque les membres de la Cour. Le membre mis en cause est admis à fournir des explications, après quoi la question est discutée et mise aux voix hors la présence de ce membre. Si l'unanimité des membres présents est acquise, le Greffier procède à la notification prescrite dans ledit article.

Art. 7.—1. La Cour peut, soit d'office, soit à la demande que présenterait une partie avant la fin de la procédure écrite, décider, pour une affaire déterminée, de s'adjoindre des assesseurs siégeant sans droit de vote.

2. Lorsque la Cour a décidé cette adjonction, le Président recueille tous renseignements utiles pour le choix de ces assesseurs.

3. Les assesseurs sont désignés à la majorité absolue et au scrutin secret, en Chambre du Conseil.

4. Les mêmes pouvoirs appartiennent à la Chambre prévue par l'article 29 du Statut et à son Président, qui les exercent de la même façon.

Art. 8. Les assesseurs, avant d'entrer en fonctions, prennent en séance publique l'engagement suivant:

“Je déclare solennellement que je remplirai tous mes devoirs d'assesseur en tout honneur et dévouement, en pleine et parfaite impartialité et en

lously observe all the provisions of the Statute and of the Rules of the Court."

toute conscience, et que j'observerai scrupuleusement toutes les prescriptions du Statut et du Règlement de la Cour."

The Presidency

Art. 9.—1. The Court shall proceed to elect the President and the Vice-President in the course of the month following the date on which the judges elected at the periodic election of members of the Court enter upon their duties. The President and Vice-President thus elected shall take up their duties forthwith. If, at the periodic election, the President is not re-elected a member of the Court, the duties of President shall in the meantime be discharged in accordance with Article 11 and Article 12, paragraph 2, of these Rules.

2. If the President or the Vice-President should cease to be a member of the Court or should resign the office of President or Vice-President before the expiry of his normal term, an election shall be held for the purpose of appointing a successor for the unexpired portion of the term.

3. The elections referred to in the present Article shall take place by secret ballot. The member of the Court obtaining an absolute majority of votes shall be declared elected.

Art. 10. The President shall direct the work and administration of the Court; he shall preside at the meetings of the Court.

Art. 11. The Vice-President shall take the place of the President if the latter is unable to fulfil his duties or if the office of President is vacant.

Art. 12.—1. Provision shall be made to ensure at the seat of the Court the continuous discharge of the duties of the office of President either by the President or the Vice-President.

2. If at the same time both the President and the Vice-President are unable to fulfil their duties, or if both offices are vacant at the same time, the duties of President shall be discharged by the oldest among the members of the Court who have been longest on the Bench.

Art. 13.—1. If the President is a national of one of the parties to a case brought before the Court, he will abstain from exercising his functions as President in respect of that case. The same rule applies to the Vice-President or to any

De la Présidence

Art. 9.—1. La Cour procède à l'élection du Président et du Vice-Président dans le mois qui suit l'entrée en fonctions des juges élus lors d'un renouvellement partiel. Le Président et le Vice-Président ainsi élus entrent immédiatement en fonctions. Si, lors du renouvellement partiel, le Président n'est pas réélu comme membre de la Cour, la présidence est, dans l'intervalle, assurée conformément aux articles 11 et 12, paragraphe 2, du présent Règlement.

2. Si le Président ou le Vice-Président cesse de faire partie de la Cour ou résigne ses fonctions de Président ou de Vice-Président avant le terme normal de celle-ci, une élection a lieu afin de lui désigner un successeur pour la période restant à courir.

3. Pour les élections visées au présent article, le vote a lieu au scrutin secret; le membre de la Cour qui obtient la majorité absolue est déclaré élu.

Art. 10. Le Président dirige les travaux et les services de la Cour; il en préside les séances.

Art. 11. Le Vice-Président remplace le Président en cas d'empêchement de celui-ci ou en cas de vacance de la présidence.

Art. 12.—1. La présidence doit toujours rester assurée au siège de la Cour, soit par le Président, soit par le Vice-Président.

2. En cas d'empêchement simultané du Président et du Vice-Président ou en cas de vacance simultanée de leurs fonctions, la présidence est exercée par le membre de la Cour le plus âgé parmi les plus anciens sur le siège.

Art. 13.—1. Si le Président se trouve être le ressortissant d'une partie en cause dans une affaire soumise à la Cour, il cède la présidence pour cette affaire. Le même principe s'applique, soit au Vice-Président soit à celui des membres de la

member of the Court who may be called on to act as President.

2. If a case is begun before a periodic election of members of the Court and continues after such election, the duties of President shall be discharged by the member of the Court who presided when the case was last under examination. If he is unable to sit, the duties of President shall be performed by the newly elected President or, failing him, the newly elected Vice-President, provided that the President or the Vice-President, as the case may be, is qualified to sit in the case. If neither is able to sit, the duties of President shall be performed by the oldest among the members of the Court who have been longest on the Bench.

The Registry

Art. 14.—1. The Court shall select its Registrar from amongst candidates proposed by members of the Court. The members of the Court shall receive adequate notice of the date on which the list of candidates will be closed so as to enable nominations and information concerning the nationals of distant countries to be received in sufficient time.

2. Nominations must give the necessary particulars regarding the candidates' age, nationality, university qualifications and linguistic attainments, their present occupation, their practical legal experience and their experience in diplomacy and in the work of international organizations.

3. The election shall be by secret ballot and by an absolute majority of votes.

4. The Registrar shall be elected for a term of seven years. He may be reelected.

5. If the Registrar should cease to hold his office before the expiration of the term above mentioned, an election shall be held for the purpose of appointing a successor. Such election shall be for a term of seven years.

6. The Court shall appoint a Deputy-Registrar to assist the Registrar, to act as Registrar in his absence and, in the event of his ceasing to hold the office, to perform the duties until a new Registrar shall have been appointed. The Deputy-Registrar shall be appointed under the same conditions and in the same way as the Registrar.

Art. 15.—1. Before taking up his duties, the Registrar shall make the following declaration at a meeting of the Court:

Cour qui serait appelé à exercer les fonctions de Président.

2. Dans le cas où l'examen d'une affaire commencé avant le renouvellement partiel est continué après celui-ci, la présidence reste exercée par le membre de la Cour qui présidait lorsque l'affaire a été examinée pour la dernière fois. Si celui-ci est empêché de siéger, la présidence est exercée par le nouveau Président ou, à son défaut, par le nouveau Vice-Président, à condition qu'ils aient qualité pour siéger dans l'affaire. A leur défaut, la présidence est exercée par le membre de la Cour le plus âgé parmi les plus anciens sur le siège.

Du Greffier

Art. 14.—1. La Cour choisit son Greffier parmi les candidats proposés par les membres de la Cour. Ceux-ci seront prévenus suffisamment à l'avance du jour où aura lieu la clôture du délai de présentation des candidats, de façon à permettre d'obtenir en temps utile les propositions et renseignements concernant les ressortissants des pays lointains.

2. Les propositions doivent fournir les renseignements nécessaires sur l'âge, la nationalité, les titres universitaires, les connaissances linguistiques, les occupations actuelles des candidats, ainsi que sur leur expérience judiciaire et diplomatique et leur pratique des affaires des organisations internationales.

3. L'élection a lieu au scrutin secret et à la majorité absolue des voix.

4. Le Greffier est élu pour une période de sept ans. Il est rééligible.

5. Si le Greffier cesse ses fonctions avant l'expiration du terme ci-dessus fixé, une élection a lieu afin de lui choisir un successeur. Le mandat de celui-ci porte sur une période de sept ans.

6. La Cour nomme un Greffier-adjoint chargé d'assister le Greffier et de le remplacer pendant son absence ou, en cas de cessation de fonctions, jusqu'à ce qu'il ait été pourvu à la désignation de son successeur. Le Greffier-adjoint est élu dans les mêmes conditions et suivant la même procédure que le Greffier.

Art. 15.—1. Avant son entrée en fonctions, le Greffier fait, devant la Cour, la déclaration suivante:

"I solemnly declare that I will perform the duties incumbent upon me as Registrar of the International Court of Justice in all loyalty, discretion and good conscience."

2. The Deputy-Registrar shall make a similar declaration in the same circumstances.

Art. 16. The Registrar is entitled to two months' holiday in each year.

Art. 17.—1. The officials of the Registry, other than the Deputy-Registrar, shall be appointed by the Court on proposals submitted by the Registrar.

2. Before taking up his duties, each official shall make the following declaration before the President, the Registrar being present:

"I solemnly declare that I will perform the duties incumbent upon me as an official of the International Court of Justice in all loyalty, discretion and good conscience"

Art. 18.—1. The Court shall prescribe and, when necessary, modify the plan of the organization of the Registry and for this purpose shall request the Registrar to make proposals.

2. The Regulations for the staff of the Registry shall be drawn up having regard to the plan of the organization prescribed by the Court and to the provisions of the Regulations for the staff of the Secretariat of the United Nations to which they shall, as far as possible, conform. Their adoption by the President on the proposal of the Registrar is subject to subsequent approval by the Court.

Art. 19. If neither the Registrar nor the Deputy-Registrar can be present or if both these offices are vacant at the same time, the President shall appoint an official of the Registry to act as a substitute for the Registrar for such time as may be necessary.

Art. 20.—1. The General List of cases submitted to the Court for decision or for advisory opinion shall be prepared and kept up to date by the Registrar on the instructions and subject to the authority of the President. Cases shall be entered in the list and numbered successively according to the date of the receipt of the document bringing the case before the Court.

2. The General List shall contain the following headings:

"Je prends l'engagement solennel d'exercer en toute loyauté, discrétion et conscience les fonctions qui m'ont été confiées en ma qualité de Greffier de la Cour internationale de Justice."

2. Le Greffier-adjoint fait une déclaration semblable dans les mêmes conditions.

Art. 16. Le Greffier a droit chaque année à deux mois de vacances.

Art. 17.—1. Les fonctionnaires du Greffe autres que le Greffier-adjoint sont nommés par la Cour, sur la proposition du Greffier.

2. Avant son entrée en fonctions, chaque fonctionnaire fait la déclaration suivante devant le Président et en présence du Greffier:

"Je prends l'engagement solennel d'exercer en toute loyauté, discrétion et conscience les fonctions qui m'ont été confiées en ma qualité de fonctionnaire du Greffe de la Cour internationale de Justice."

Art. 18.—1. La Cour établit et, quand il y a lieu, modifie le plan d'organisation du Greffe et, à cet effet, invite le Greffier à lui faire des propositions.

2. Le Statut du personnel du Greffe est préparé eu égard au plan d'organisation établi par la Cour ainsi qu'aux dispositions du Statut du personnel du Secrétariat de l'Organisation des Nations unies auxquelles il doit, autant que possible, se conformer. Il est arrêté par le Président sur la proposition du Greffier, sauf approbation ultérieure de la Cour.

Art. 19. Au cas où le Greffier et le Greffier-adjoint seraient l'un et l'autre empêchés d'être présents et au cas où ces postes seraient simultanément vacants, le Président désigne le fonctionnaire du Greffe chargé de remplacer le Greffier pour tout le temps nécessaire.

Art. 20.—1. Le rôle général des affaires soumises à la Cour pour décision ou pour avis consultatif est dressé et tenu à jour par le Greffier sur les instructions et sous l'autorité du Président. Les affaires y sont inscrites avec un numéro d'ordre selon la date de réception de l'acte par lequel la Cour a été saisie.

2. Le rôle général comporte les rubriques suivantes:

- | | |
|--|--|
| <p>I. Number in list.
 II. Short title.
 III. Date of registration.
 IV. Registration number.
 V. File number in the archives.</p> <p>VI. Class of case (contentious procedure or advisory opinion).
 VII. Parties.
 VIII. Interventions.
 IX. Method of submission.
 X. Date of document instituting proceedings.
 XI. Time-limits for filing pleadings.</p> <p>XII. Prolongation, if any, of time-limits.
 XIII. Date of closure of the written proceedings.
 XIV. Postponements.
 XV. Date of the beginning of the hearing (date of the first public sitting).
 XVI. Observations.
 XVII. References to earlier or subsequent cases.
 XVIII. Result (nature and date).
 XIX. Removal from the list (cause and date).
 XX. References to publications of the Court relating to the case.</p> <p>3. The General List shall also contain a space for notes, if any, and spaces for the inscription, above the initials of the President and of the Registrar, of the dates of the entry of the case, of its result, or of its removal from the list, as the case may be.</p> <p>Art. 21.—1. The Registrar shall be the regular channel for communications to and from the Court.</p> <p>2. The Registrar shall ensure that the date of despatch and receipt of all communications and notifications may be readily verified. Communications addressed to the agents of the parties shall be considered as having been addressed to the parties themselves. The date of receipt shall be noted on all documents received by the Registrar, and a receipt bearing this date and the number under which the document has been registered shall be given to the sender.</p> <p>3. The Registrar shall, subject to the obligations of secrecy attaching to his official duties, reply to all enquiries concerning the work of the Court, including enquiries from the Press.</p> <p>4. The Registrar shall publish in the Press all necessary information as to the date and hour fixed for public sittings.</p> | <p>I. Numéro d'ordre.
 II. Titre abrégé.
 III. Date d'enregistrement au Greffe.
 IV. Numéro d'enregistrement au Greffe.
 V. Numéro de classement du dossier aux archives.</p> <p>VI. Nature de l'affaire (procédure contentieuse ou avis consultatif).
 VII. Parties.
 VIII. Interventions.
 IX. Voies d'introduction.
 X. Date de la pièce introductive d'instance.
 XI. Délais pour le dépôt des pièces de la procédure écrite
 Prorogation éventuelle des délais.
 XII. Date de la clôture de la procédure écrite.
 XIV. Remises.
 XV. Date d'ouverture de la procédure orale (date de la première audience).
 XVI. Observations.
 XVII. Renvoi aux inscriptions antérieures ou ultérieures.
 XVIII. Solution (nature et date).
 XIX. Radiation du rôle (cause et date).</p> <p>XX. Références aux publications de la Cour relatives à l'affaire.</p> <p>3. Le rôle général contient, en outre, une case où sont portées des notes éventuelles, ainsi que des cases où sont portées, sur paraphe du Président et du Greffier, la date d'inscription de l'affaire et, le cas échéant, celles de la solution intervenue ainsi que de la radiation du rôle.</p> <p>Art. 21.—1. Le Greffier sert d'intermédiaire pour les communications émanant de la Cour ou qui sont adressées à celle-ci.</p> <p>2. Le Greffier veille à ce que la date d'expédition et de réception de toutes communications et notifications puisse être facilement contrôlée. Les communications adressées aux agents des parties sont considérées comme ayant été adressées aux parties elles-mêmes. La date de réception est notée sur tous les documents parvenant au Greffier et il en est donné à l'expéditeur un reçu portant la date de réception de ces documents et les numéros sous lesquels ils ont été enregistrés.</p> <p>3. Le Greffier, dans les limites de la discrétion attachée à ses fonctions, répond aux demandes de renseignements concernant l'activité de la Cour, notamment à celles de la presse.</p> <p>4. Le Greffier fait publier dans la presse toutes indications utiles sur la date et l'heure fixées pour les séances publiques.</p> |
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5. The Registrar shall communicate to the government of the country in which the Court, or a Chamber dealing with a case, is sitting, the names, first names and description of the agents, counsel and advocates appointed by each of the parties for the purposes of the case.

Art. 22. A collection of the judgments and advisory opinions of the Court, and also of such orders as the Court may decide to include therein, shall be printed and published under the responsibility of the Registrar.

Art. 23.—1. The Registrar shall be responsible for the archives, the accounts and all administrative work. He shall have the custody of the seals and stamps of the Court. The Registrar or his substitute shall be present at all sittings of the Court and at sittings of the Chambers. The Registrar shall be responsible for drawing up the minutes of the meetings.

2. He shall undertake, in addition, all duties which may be laid upon him by these Rules.

3. Instructions for the Registry shall be drawn up by the Registrar and approved by the President.

The Chambers

Art. 24.—1. When the Court decides to form one or more of the Chambers provided for in Article 26, paragraph 1, of the Statute, it shall determine the particular category of cases for which each Chamber is formed, its composition, the period for which its members will serve, and the date at which they will enter upon their duties. The Court may in the same way change its competence, its composition, or the method of renewing its membership, or decide upon its dissolution.

2. The Presidents and the members of the Chambers provided for in Article 26, paragraphs 1 and 2, and Article 29 of the Statute, shall be elected by the Court, by secret ballot, and by an absolute majority of votes.

3. The members of the Chamber of Summary Procedure provided for in Article 29 of the Statute shall be elected for one year. The election shall be held within three months after February 6th, and the members thus elected shall enter upon their duties at the expiration of their predecessors' term. If, however, as the

5. Le Greffier porte à la connaissance du gouvernement de l'Etat où siège la Cour, ou, le cas échéant, la Chambre saisie d'une affaire, les noms, prénoms et qualité des agents, conseils et avocats désignés pour cette affaire par l'une ou l'autre partie.

Art. 22. Un recueil imprimé des arrêts et avis consultatifs de la Cour, ainsi que des ordonnances que la Cour décide d'y faire figurer, est publié sous la responsabilité du Greffier.

Art. 23.—1. Le Greffier a la responsabilité des archives, des comptes et de tous travaux administratifs. Il a la garde des sceaux et cachets. Le Greffier ou son remplaçant assiste à toutes les séances de la Cour, ainsi qu'à celles des Chambres. Les procès-verbaux des séances sont rédigés sous la responsabilité du Greffier.

2. Le Greffier remplit, en outre, toutes les fonctions qui peuvent lui être dévolues aux termes du présent Règlement.

3. Des instructions préparées par le Greffier et arrêtées par le Président déterminent le détail des attributions du Greffe.

Des Chambres

Art. 24.—1. Lorsque la Cour juge à propos de constituer une ou plusieurs Chambres prévues à l'article 26, paragraphe 1, du Statut, elle prend à cet effet une décision par laquelle elle détermine la catégorie d'affaires en vue de laquelle chaque Chambre est constituée, la composition de celle-ci, la durée des pouvoirs des juges qui seront appelés à y siéger, ainsi que la date d'entrée en fonctions de ceux-ci après un renouvellement. Elle procède de même pour modifier la compétence, la composition ou le mode de renouvellement d'une Chambre ou pour en décider la suppression.

2. Les Présidents et les membres des Chambres prévues aux articles 26, paragraphes 1 et 2, et 29 du Statut sont élus par la Cour, au scrutin secret et à la majorité absolue des voix.

3. Les membres de la Chambre de procédure sommaire prévue à l'article 29 du Statut sont élus pour un an. Il est procédé à leur élection dans les trois mois qui suivent le 6 février, et les membres ainsi élus entrent en fonctions à l'expiration du terme fixé pour les fonctions de leurs prédécesseurs. Toutefois, au cas

result of a periodic election of members of the Court, one or more members of the Chambers will cease to be members of the Court on the ensuing February 6th, an election shall be held in the course of the three months preceding that date to replace them. The judges thus elected shall complete the term of office of their predecessors.

4. The members of a Chamber shall, in conformity with Article 13, paragraph 3, of the Statute, finish any case which they may have begun, though they have ceased to be members of the Chamber.

5. Subject to Article 13, paragraph 1, of these Rules, the President of the Court, if present, shall preside *ex officio* over any Chamber of which he is a member; and the Vice-President of the Court, if present, shall preside *ex officio* over any Chamber of which he is a member and of which the President is not a member, or from which the President, being a member, is absent.

SECTION 2.—WORKING OF THE COURT

Art. 25.—1. In the absence of a special resolution by the Court, the dates and duration of the vacations of the Court are fixed as follows: (a) from December 18th to January 7th; (b) from the Sunday before Easter to the second Sunday after Easter; (c) from July 15th to September 15th. The duties of President shall nevertheless be continuously discharged at the seat of the Court. For this purpose, the President shall either himself maintain contact with the Registrar or shall request the Vice-President to take his place.

2. In case of urgency, the President may at any time convene the members of the Court during the periods mentioned in the preceding paragraph.

3. The public holidays which are customary at the place where the Court is sitting will be observed by the Court.

Art. 26.—1. Any member of the Court who desires to obtain leave in pursuance of Article 23, paragraph 2, of the Statute, shall send his request to the Registry. The Court shall consider the request, and the date and the duration of the leave which it grants to a judge shall be fixed having regard to what is required to ensure its proper working and to the distance between The Hague and his home.

où, par l'effet du renouvellement partiel, un ou plusieurs membres de ladite Chambre cesseraient d'être membres de la Cour au 6 février suivant, il serait pourvu dans les trois mois qui précèdent cette date à leur remplacement. Les juges ainsi élus achèvent le terme du mandat de leurs prédécesseurs.

4. Conformément à l'article 13, paragraphe 3, du Statut, les membres d'une Chambre continuent de connaître des affaires dont ils sont déjà saisis bien qu'ils aient cessé d'être membres de cette Chambre.

5. Sous réserve de l'article 13, paragraphe 1, du présent Règlement, le Président de la Cour, s'il est présent, présidera d'office toute Chambre dont il est membre; le Vice-Président de la Cour, s'il est présent, présidera d'office toute Chambre dont il fait partie, mais dont le Président n'est pas membre ou, dans le cas contraire, en l'absence du Président.

SECTION 2.—FONCTIONNEMENT DE LA COUR

Art. 25.—1. A moins de résolution spéciale de la Cour, les périodes et la durée des vacances judiciaires sont déterminées comme il suit: a) du 18 décembre au 7 janvier; b) du dimanche qui précède le jour de Pâques jusqu'au deuxième dimanche après le jour de Pâques; c) du 15 juillet au 15 septembre. La présidence reste néanmoins assurée au siège de la Cour, soit que le Président se tienne en contact avec le Greffier soit qu'il invite le Vice-Président à le remplacer.

2. En cas d'urgence, le Président peut toujours, pendant les périodes visées à l'alinéa qui précède, convoquer les membres de la Cour.

3. La Cour observe les jours fériés en usage dans le lieu où elle siège.

Art. 26.—1. Tout membre de la Cour qui désire obtenir un congé par application de l'article 23, paragraphe 2, du Statut, adresse sa demande au Greffe. La Cour statue sur la demande: la date et la durée du congé qu'elle accorde à un juge sont fixées en tenant compte des exigences du fonctionnement de la Cour et de la distance qui sépare La Haye des foyers de ce juge.

2. The number of members of the Court on leave at the same time must not exceed two. The President and the Vice-President must not both be absent on leave at the same time.

Art. 27. Members of the Court who are prevented by illness or other serious reasons from attending a sitting of the Court to which they have been summoned by the President, shall notify the President who will inform the Court.

Art. 28.—1. The date and hour of sittings of the Court shall be fixed by the President.

2. The President of the Court shall fix the date for the convening of any Chamber referred to in Articles 26 and 29 of the Statute. The date and hour of the sittings of such Chamber shall be fixed by the President of the Chamber.

3. The Court, or if it is not sitting the President, may fix the place, other than The Hague, where one of the Chambers provided for by Articles 26 and 29 of the Statute shall sit and exercise its functions.

Art. 29. If a sitting of the Court has been convened and it is found that there is no quorum, the President shall adjourn the sitting until a quorum has been obtained. Judges chosen under Article 31 of the Statute shall not be taken into account for the calculation of the quorum.

Art. 30.¹—1. The Court shall sit in private to deliberate upon disputes which are submitted to it and upon advisory opinions which it is asked to give.

2. Only the judges, and the assessors, if any, shall take part in the deliberations. The Registrar or his substitute shall be present. No other person shall be admitted except in pursuance of a special decision taken by the Court.

3. Every judge who is present at the deliberations shall state his opinion together with the reasons on which it is based.

2. Le nombre des membres de la Cour simultanément en congé ne doit pas dépasser deux. Le Président et le Vice-Président ne peuvent pas être absents en même temps.

Art. 27. Les membres de la Cour qui, par suite de maladie ou pour quelque autre motif grave, se trouvent empêchés de participer aux séances de la Cour, auxquelles le Président les a convoqués, doivent en faire part au Président, qui en rend compte à la Cour.

Art. 28.—1. Les dates et heures des séances de la Cour sont fixées par le Président.

2. La date pour laquelle est convoquée une des Chambres prévues aux articles 26 et 29 du Statut est fixée par le Président de la Cour. Les dates et heures des séances de ladite Chambre sont fixées par son Président.

3. La Cour ou, si elle ne siège pas, le Président peut fixer le lieu, autre que La Haye, où une des Chambres prévues aux articles 26 et 29 du Statut siègera et exercera ses fonctions.

Art. 29. Si, la Cour étant convoquée, il est constaté que le quorum exigé n'est pas atteint, le Président ajourne la séance jusqu'à ce que le quorum soit atteint. Les juges désignés en vertu de l'article 31 du Statut ne sont pas comptés pour le calcul du quorum.

Art. 30.¹—1. La Cour délibère en Chambre du Conseil sur les différends qui lui sont soumis et sur les avis consultatifs qui lui sont demandés.

2. Seuls les juges et éventuellement les assesseurs prennent part aux délibérations. Le Greffier ou son remplaçant sont présents dans la Chambre du Conseil. Aucune autre personne ne peut y être admise qu'en vertu d'une décision spéciale de la Cour.

3. Chacun des juges présents à la délibération exprime son opinion motivée.

¹ On May 6th, 1946, the Court took note of the Resolution of the Permanent Court of International Justice regarding that Court's judicial practice adopted on February 20th, 1931, and revised on March 17th, 1936. (See *Publications of the Permanent Court of International Justice: Acts and Documents concerning the Organisation of the Court*; Series D, No. 1, Fourth edition, April 1940, p. 62.) It decided to adopt provisionally the method of deliberation described in that Resolution.

¹ A la date du 6 mai 1946, la Cour a pris connaissance de la Résolution de la Cour permanente de Justice internationale concernant la pratique de cette Cour en matière judiciaire, adoptée le 20 février 1931 et révisée le 17 mars 1936. (Voir *Publications de la Cour permanente de Justice internationale: Actes et Documents relatifs à l'organisation de la Cour*, Série D, n° 1, quatrième édition, avril 1940, p. 62.) Elle a décidé qu'elle se conformerait provisoirement à la méthode de délibération ainsi décrite.

4. Any judge may request that a question which is to be voted upon shall be drawn up in precise terms in both the official languages and distributed to the Court. Effect shall be given to any such request.

5. The decision of the Court shall be based upon the conclusions concurred in after final discussion by a majority of the judges. The judges shall vote in the order inverse to the order laid down by Article 2 of these Rules.

6. No detailed minutes shall be prepared of the private meetings of the Court for deliberation upon judgments or advisory opinions; the minutes of these meetings are to be considered as confidential and shall record only the subject of the debates, the votes taken, the names of those voting for and against a motion and statements expressly made for insertion in the minutes.

7. Unless otherwise decided by the Court, paragraphs 2, 4 and 5 of this Article shall apply to deliberations by the Court in private upon any administrative matter.

4. Tout juge peut demander qu'une question devant être mise aux voix soit formulée en termes précis dans les deux langues officielles et distribuée à la Cour. Il sera fait droit à cette demande.

5. Les conclusions adoptées, après discussion finale, par la majorité des juges déterminent la décision de la Cour. Les votes sont émis dans l'ordre inverse de l'ordre établi par l'article 2 du présent Règlement.

6. Il ne sera pas établi de procès-verbal détaillé des séances en Chambre du Conseil consacrées au délibéré sur les arrêts ou avis; les procès-verbaux de ces séances, qui doivent être tenus pour confidentiels, se bornent à mentionner l'objet des débats, les votes et le nom de ceux qui ont voté pour ou contre une motion, ainsi que les déclarations expressément faites en vue d'y être insérées.

7. Sauf décision contraire de la Cour, les paragraphes 2, 4 et 5 du présent article s'appliqueront aux délibérations de la Cour en Chambre du Conseil sur toutes questions administratives.

Heading II

CONTENTIOUS PROCEEDINGS

Art. 31. The rules contained in Sections 1, 2 and 4 of this Heading shall not preclude the adoption by the Court of particular modifications or additions proposed jointly by the parties and considered by the Court to be appropriate to the case and in the circumstances.

SECTION 1.—PROCEDURE BEFORE THE FULL COURT

I. General Rules

Institution of Proceedings

Art. 32.—1. When a case is brought before the Court by means of a special agreement, Article 40, paragraph 1, of the Statute shall apply.

2. When a case is brought before the Court by means of an application, the application must, as laid down in Article 40, paragraph 1, of the Statute, indicate the party making it, the party against whom the claim is brought and the subject of the dispute. It must also, as far as possible, specify the provision on which the applicant founds the jurisdiction of

Titre II

PROCÉDURE EN MATIÈRE CONTENTIEUSE

Art. 31. Les dispositions des Sections 1, 2 et 4 du présent Titre sont établies sous réserve de l'adoption par la Cour des modifications ou additions particulières qui lui seraient proposées d'un commun accord par les parties et que la Cour estimerait appropriées à l'affaire et aux circonstances.

SECTION 1.—PROCÉDURE DEVANT LA COUR PLÉNIÈRE

I. Règles générales

De l'introduction de l'instance

Art. 32.—1. Lorsqu'une affaire est portée devant la Cour en vertu d'un compromis, il est fait application de l'article 40, paragraphe 1, du Statut.

2. Lorsqu'une affaire est portée devant la Cour par une requête, celle-ci, conformément à l'article 40, paragraphe 1, du Statut, doit indiquer la partie requérante et la partie contre laquelle la demande est formée, ainsi que l'objet du différend. Elle contiendra en outre, autant que possible, la mention de la disposition par laquelle le requérant prétend établir la

the Court, state the precise nature of the claim and give a succinct statement of the facts and grounds on which the claim is based, these facts and grounds being developed in the Memorial, to which the evidence will be annexed.

3. The original of an application shall be signed either by the agent of the party submitting it or by the diplomatic representative of that party at the seat of the Court or by a duly authorized person. If the document bears the signature of a person other than the diplomatic representative of that party at the seat of the Court, the signature must be legalized by this diplomatic representative or by the competent authority of the government concerned.

Art. 33.—1. When a case is brought before the Court by means of an application, the Registrar shall forthwith transmit to the party against whom the claim is made a copy of the application certified as correct.

2. When a case is brought before the Court by means of a special agreement filed by one only of the parties, the Registrar shall forthwith notify the other party that it has been so filed.

Art. 34.—1. The Registrar shall forthwith transmit to all the members of the Court copies of special agreements or applications submitting a case to the Court.

2. He shall also transmit copies: (a) to Members of the United Nations through the Secretary-General and (b) by means of special arrangements made for this purpose between them and the Registrar, to any other States entitled to appear before the Court.

Art. 35.—1. When a case is brought before the Court by means of a special agreement, the appointment of the agent or agents of the party or parties filing the special agreement shall be notified at the same time as the special agreement is filed. If the special agreement is filed by one only of the parties, the other party shall, when acknowledging receipt of the notification of the filing of the special agreement or failing this, as soon as possible, inform the Court of the name of its agent.

2. When a case is brought before the Court by means of an application, the application, or the covering letter, shall state the name of the agent of the applicant government.

compétence de la Cour; l'indication précise de l'objet de la demande; un exposé succinct des faits et des motifs par lesquels la demande est prétendue justifiée, sous réserve des développements à fournir dans le mémoire et des preuves qui y seront annexées.

3. L'exemplaire original d'une requête est signé, soit par l'agent de la partie qui l'introduit, soit par le représentant diplomatique de cette partie au siège de la Cour, soit enfin par une personne dûment autorisée. Si la pièce porte la signature d'une personne autre que le représentant diplomatique de la partie au siège de la Cour, cette signature doit être légalisée par ce représentant diplomatique ou par l'autorité compétente du gouvernement intéressé.

Art. 33.—1. Lorsque la Cour est saisie d'une affaire par requête, copie de la requête certifiée conforme par le Greffier est immédiatement transmise par lui à la partie contre laquelle la demande est formée.

2. Lorsque la Cour est saisie d'une affaire par un compromis déposé par une seule des parties, le Greffier notifie immédiatement ce dépôt à l'autre partie.

Art. 34.—1. Le Greffier transmet immédiatement à tous les membres de la Cour copie des compromis ou requêtes par lesquels la Cour est saisie.

2. Il en transmet également des copies: a) aux Membres des Nations unies par l'entremise du Secrétaire général, et b) aux autres Etats admis à ester devant la Cour, par la voie prévue dans un arrangement spécial conclu à cet effet par le Greffier.

Art. 35.—1. Lorsqu'une affaire est portée devant la Cour par voie de compromis, la désignation du ou des agents de la partie ou des parties présentant le compromis doit accompagner le dépôt de cet instrument. Si le compromis est déposé par une seule des parties, l'autre partie doit, en accusant réception de la communication relative à ce dépôt, ou sinon le plus tôt possible, faire connaître à la Cour le nom de son agent.

2. Lorsqu'une affaire est portée devant la Cour par requête, celle-ci, ou sinon la lettre d'envoi de ce document, devra faire connaître le nom de l'agent du gouvernement requérant.

3. The party against whom the application is made and to whom it is notified shall, when acknowledging receipt of the notification, or failing this, as soon as possible, inform the Court of the name of its agent.

4. Applications to intervene under Article 64 of these Rules, interventions under Article 66 and requests under Article 78 for the revision, or under Article 79 for the interpretation, of a judgment, shall similarly be accompanied by the appointment of an agent.

5. The appointment of an agent must be accompanied by a statement of an address for service at the seat of the Court to which all communications relating to the case should be sent.

Art. 36. When a State which is not a party to the Statute is admitted by the Security Council, in pursuance of Article 35 of the Statute, to appear before the Court, it shall satisfy the Court that it has complied with any conditions that may have been prescribed for its admission: the document which evidences this compliance shall be filed in the Registry at the same time as the notification of the appointment of the agent.

Preliminary measures

Art. 37.—1. In every case submitted to the Court, the President will ascertain the views of the parties with regard to questions of procedure; for this purpose he may summon the agents to meet him as soon as they have been appointed.

2. In the light of the information obtained by the President, the Court will make the necessary orders to determine *inter alia* the number and the order of filing of the pleadings and the time-limits within which they must be filed.

3. So far as possible, in making an order under paragraph 2 of this Article, any agreement between the parties shall be taken into account.

4. The Court may extend any time-limit which has been fixed. It may also, in special circumstances and after giving the agent of the opposing party an opportunity of stating his views, decide that any step taken after the expiration of a time-limit shall be considered as valid.

5. If the Court is not sitting, its powers under this Article shall be exercised by

3. La partie contre laquelle la requête est présentée et à laquelle elle est communiquée doit, en accusant réception de cette communication, ou sinon le plus tôt possible, faire connaître à la Cour le nom de son agent.

4. Les requêtes à fin d'intervention présentées conformément à l'article 64 du présent Règlement, les déclarations d'intervention faites conformément à l'article 66, ainsi que les demandes en revision conformément à l'article 78, ou en interprétation d'un arrêt conformément à l'article 79, doivent être également accompagnées de la désignation de l'agent.

5. La désignation d'un agent doit être accompagnée de l'indication du domicile élu par lui au siège de la Cour et auquel seront adressées toutes les communications relatives à l'affaire en cause.

Art. 36. Lorsqu'un Etat qui n'est pas partie au Statut a été admis par le Conseil de Sécurité, conformément à l'article 35 du Statut, à ester devant la Cour, ledit Etat doit justifier à la satisfaction de la Cour qu'il s'est conformé aux conditions auxquelles aurait été subordonnée cette admission: l'acte apportant cette justification doit être déposé au Greffe en même temps que la notification de la désignation de l'agent.

Des mesures préliminaires

Art. 37.—1. Dans toute affaire soumise à la Cour, le Président se renseigne auprès des parties sur les questions de procédure; à cette fin, il peut notamment convoquer les agents dès leur désignation.

2. A la lumière des renseignements obtenus par le Président, la Cour rend les ordonnances nécessaires pour fixer notamment le nombre et l'ordre de la présentation des pièces de la procédure écrite, ainsi que les délais pour leur présentation.

3. Pour l'élaboration des ordonnances rendues en vertu du paragraphe précédent, il est tenu compte, autant que possible, de tout accord qui serait intervenu entre les parties.

4. La Cour peut prolonger les délais fixés. Elle peut également, dans les circonstances spéciales et après avoir fourni à l'agent de la partie adverse l'occasion de faire connaître son opinion, décider qu'un acte de procédure fait après l'expiration du délai fixé est considéré comme valable.

5. Si la Cour ne siège pas, et sous réserve de toute décision ultérieure qu'elle

the President but without prejudice to any subsequent decision of the Court.

Art. 38. Time-limits shall be fixed by assigning definite dates for the completion of the various steps in the proceedings.

Written Proceedings

Art. 39.—1. If the parties agree that the proceedings shall be conducted wholly in French, or wholly in English, the pleadings shall be submitted only in the language adopted by the parties.

2. In the absence of an agreement with regard to the language to be used, the pleadings shall be submitted either in French or in English.

3. If in pursuance of Article 39, paragraph 3, of the Statute a language other than French or English is used, a translation into French or English shall be attached to the original of each document submitted.

4. The Registrar is under no obligation to make translations of the pleadings or any documents annexed thereto.

Art. 40.¹—1. The original of every pleading shall be signed by the agent and filed in the Registry. It shall be accompanied by a number of printed copies fixed by the President but without prejudice to an increase in that number should the need arise later.

2. When communicating a copy of a pleading to a party in pursuance of Article 43 of the Statute, the Registrar shall certify that it is a correct copy of the original filed in the Registry.

3. All pleadings shall be dated. When a pleading has to be filed by a certain date, it is the date of the receipt of the pleading in the Registry which will be regarded by the Court as the material date.

4. If the Registrar at the request of the agent of a party arranges for the printing, at the cost of that party, of a pleading which it is intended to file with the Court, the text must be sent to the Registry in sufficient time to enable the printed pleading to be filed before the expiry of any time-limit which may apply to it.

pourrait prendre, les pouvoirs qui lui sont reconnus aux termes du présent article sont exercés par le Président.

Art. 38. Les délais sont fixés en assignant une date précise pour les divers actes de procédure.

De la procédure écrite

Art. 39.—1. Si les parties sont d'accord pour que toute la procédure ait lieu seulement en français, ou seulement en anglais, les pièces de la procédure écrite sont présentées seulement dans la langue adoptée par les parties.

2. A défaut d'un accord fixant la langue dont il est fait usage, les pièces sont présentées en français ou en anglais.

3. Si une langue autre que le français ou l'anglais est employée conformément à l'article 39, paragraphe 3, du Statut, une traduction en français ou en anglais est jointe à l'original des pièces présentées.

4. Le Greffier n'est pas tenu d'établir des traductions des pièces de la procédure écrite.

Art. 40.¹—1. L'exemplaire original de toute pièce de la procédure écrite est signé par l'agent et déposé au Greffe. Il est accompagné d'un nombre d'exemplaires imprimés fixé par le Président; il pourra toutefois être demandé ultérieurement un nombre plus grand d'exemplaires si le besoin s'en fait sentir.

2. Lorsque copie d'une pièce de la procédure écrite est communiquée à l'autre partie conformément à l'article 43 du Statut, le Greffier certifie que la copie est conforme à l'original déposé au Greffe.

3. Toutes les pièces de la procédure écrite sont datées. Quand une pièce doit être déposée à une date déterminée, c'est la date de la réception de la pièce au Greffe qui est à considérer comme la date dont la Cour tiendra compte.

4. Si, à la demande de l'agent d'une partie, le Greffier fait procéder à l'impression, pour le compte du gouvernement que cet agent représente, d'une pièce destinée à être déposée près la Cour, le texte doit être remis au Greffe assez tôt pour permettre le dépôt de la pièce imprimée avant l'expiration de tout délai applicable

¹ The agents of the parties are requested to ascertain from the Registry the usual format of the pleadings.

¹ Les agents des parties sont priés de s'informer auprès du Greffier du format adopté par la Cour pour les pièces de la procédure écrite.

The printing is done under the responsibility of the party in question.

5. The correction of a slip or error in any document which has been filed can be made at any time with the consent of the other party, or by leave of the President.

Art. 41.—1. If proceedings are instituted by means of a special agreement, the pleadings shall, subject to Article 37 of these Rules, be presented in the order stated below:

a Memorial, by each party within the same time-limit;

a Counter-Memorial, by each party within the same time-limit;

a Reply, by each party within the same time-limit.

2. If proceedings are instituted by means of an application, the pleadings shall, subject to Article 37 of these Rules, be presented in the order stated below:

the Memorial by the applicant;

the Counter-Memorial by the respondent;

the Reply by the applicant;

the Rejoinder by the respondent.

Art. 42.—1. A Memorial shall contain a statement of the relevant facts, a statement of law, and the submissions.

2. A Counter-Memorial shall contain an admission or denial of the facts stated in the Memorial; any additional facts, if necessary; observations concerning the statement of law in the Memorial; a statement of law in answer thereto; and the submissions.

Art. 43.—1. There must be annexed to every Memorial and Counter-Memorial and other pleading, copies of all the relevant documents, a list of which shall be given after the submissions. If, on account of the length of a document, extracts only are attached, the document itself or a complete copy of it must, if possible, unless the document has been published and is available to the public, be communicated to the Registrar for the use of the Court and of the other party.

2. Every pleading and every document annexed which is in a language other than French or English, must be accompanied

à ladite pièce. L'impression est faite sous la responsabilité de la partie qui y fait ainsi procéder.

5. La correction d'une erreur matérielle dans un document déposé est loisible en tout temps avec le consentement de l'autre partie ou avec l'autorisation du Président.

Art. 41.—1. Si l'instance est introduite par la notification d'un compromis, et sous réserve des dispositions de l'article 37 du présent Règlement, les pièces de procédure suivantes sont présentées dans l'ordre indiqué ci-dessous, savoir:

un mémoire, par chacune des parties, dans un même délai;

un contre-mémoire, par chacune des parties, dans un même délai;

une réplique, par chacune des parties, dans un même délai.

2. Si l'instance est introduite par requête, et sous réserve des dispositions de l'article 37 du présent Règlement, les pièces de procédure sont présentées dans l'ordre indiqué ci-dessous, savoir:

le mémoire par la partie demanderesse; le contre-mémoire par la partie défenderesse;

la réplique par la partie demanderesse; la duplique par la partie défenderesse.

Art. 42.—1. Le mémoire contient: un exposé des faits sur lesquels la demande est fondée; un exposé de droit et les conclusions.

2. Le contre-mémoire contient: la reconnaissance ou la contestation des faits mentionnés dans le mémoire; le cas échéant, un exposé additionnel des faits; des observations relatives à l'exposé de droit contenu dans le mémoire, ainsi qu'un exposé de droit en réponse et les conclusions.

Art. 43.—1. Le mémoire et le contre-mémoire et les autres pièces de procédure contiennent en annexe copie de toute pièce et document à l'appui des thèses qui y sont formulées; un bordereau de ces pièces figurera à la suite des conclusions. Si, une de ces pièces ou un de ces documents étant volumineux, il n'en est annexé que des extraits, la pièce complète ou une copie complète de celle-ci devra, si possible, être communiquée au Greffier à l'usage de la Cour et de l'autre partie, à moins que le document n'ait été publié et ne soit dans le domaine public.

2. Toute pièce ou tout document, présentés parmi les annexes et rédigés en une langue autre que le français ou l'an-

by a translation into one of the official languages of the Court. Nevertheless, in the case of lengthy documents, translations of extracts may be submitted, subject, however, to any subsequent decision by the Court, or, if it is not sitting, by the President.

Art. 44.—1. The Registrar shall transmit to the judges and to the parties copies of the pleadings and documents annexed in the case, as and when he receives them.

2. The Court, or the President if the Court is not sitting, may, after obtaining the views of the parties, decide that the Registrar shall in a particular case make the pleadings and annexed documents available to the government of any Member of the United Nations or of any State which is entitled to appear before the Court.

3. The Court, or the President if the Court is not sitting, may, with the consent of the parties, authorize the pleadings and annexed documents in regard to a particular case to be made accessible to the public before the termination of the case.

Art. 45. Upon the closure of the written proceedings, the case is ready for hearing.

Art. 46.—1. Subject to the priority provided for by Article 61 of these Rules, cases submitted to the Court will be taken in the order in which they become ready for hearing. When several cases are ready for hearing, the order in which they will be taken is determined by the position which they occupy in the General List.

2. Nevertheless, the Court may, in special circumstances, decide to take a case in priority to other cases which are ready for hearing and which precede it in the General List.

3. If the parties to a case which is ready for hearing are agreed in asking for the case to be put after other cases which are ready for hearing and which follow it in the General List, the President may grant such a postponement; if the parties are not in agreement, the President shall decide whether or not to submit the question to the Court.

Oral Proceedings

Art. 47.—1. When a case is ready for hearing, the date for the commencement

glais, doivent être accompagnés d'une traduction en l'une des langues officielles de la Cour. Toutefois, dans le cas de pièces volumineuses, des traductions en extrait peuvent être présentées sous réserve de toute décision ultérieure de la Cour ou, si elle ne siège pas, du Président.

Art. 44.—1. Le Greffier transmet aux juges et aux parties copie de toutes les pièces et documents de l'affaire au fur et à mesure qu'il les reçoit.

2. La Cour ou, si elle ne siège pas, le Président, après avoir consulté les parties, peut décider que le Greffier tiendra à la disposition du gouvernement de tout Membre des Nations unies ou Etat admis à ester en justice devant la Cour les pièces de procédure d'une affaire déterminée.

3. La Cour ou, si elle ne siège pas, le Président peut, avec l'assentiment des parties, autoriser que les pièces de la procédure écrite relative à une affaire déterminée soient rendues accessibles au public avant la clôture de l'affaire.

Art. 45. La procédure écrite une fois terminée, l'affaire se trouve en état.

Art. 46.—1. Sous réserve de la priorité prévue à l'article 61 du présent Règlement, la Cour traite les affaires dont elle est saisie suivant l'ordre selon lequel elles sont en état. Entre plusieurs affaires en état, l'ordre est déterminé par le rang qu'elles occupent sur le rôle général.

2. Toutefois, la Cour peut, à raison de circonstances particulières, décider de traiter une affaire par priorité sur les autres affaires en état et qui la précèdent sur le rôle général.

3. Si les parties à une affaire en état demandent d'un commun accord la remise de cette affaire postérieurement à d'autres affaires en état et qui la suivent sur le rôle général, le Président peut accorder cette remise; à défaut d'accord entre les parties, le Président apprécie s'il y a lieu de saisir la Cour.

De la procédure orale

Art. 47.—1. Après que l'affaire est en état, la date d'ouverture de la procédure

of the oral proceedings shall be fixed by the Court, or by the President if the Court is not sitting.

2. If occasion should arise, the Court or the President, if the Court is not sitting, may decide that the commencement or continuance of the hearings shall be postponed.

Art. 48.—1. After the closure of the written proceedings no further documents may be submitted to the Court by either party except with the consent of the other party or as provided in paragraph 2 of this Article. The party desiring to produce a new document shall file the original or a certified copy thereof in the Registry, which will be responsible for communicating it to the other party and will inform the Court. The other party shall be held to have given its consent if it does not lodge an objection to the production of the document.

2. Should the other party decline to consent to the production of a new document, the Court, after hearing the parties, may either permit or refuse to permit its production. If the Court grants permission, the other party shall have an opportunity of commenting upon it and of submitting documents in support of its comments.

Art. 49. Without prejudice to the provisions of the Rules concerning the production of documents, each party shall communicate to the Registry, in sufficient time before the commencement of the oral proceedings, information regarding the evidence which it intends to produce or which it intends to request the Court to obtain. This communication shall contain a list of the surnames, first names, descriptions and places of residence of the witnesses and experts whom the party intends to call, with indications in general terms of the point or points to which their evidence will be directed.

Art. 50. The Court shall determine whether the parties should present their arguments before or after the production of the evidence; the parties shall, however, retain the right to comment on the evidence given.

Art. 51. The order in which the agents, counsel or advocates shall be called upon to speak shall be determined by the Court, unless there is an agreement between the parties on the subject.

Art. 52.—1. The Court may, during the hearing, put questions to the agents, coun-

orale est fixée par la Cour ou, si elle ne siège pas, par le Président.

2. La Cour, ou, si elle ne siège pas, le Président, prononce, s'il y a lieu, le renvoi de l'ouverture ou de la continuation des débats.

Art. 48.—1. Après la fin de la procédure écrite et sous réserve du paragraphe suivant, aucun document nouveau ne doit être présenté à la Cour si ce n'est avec l'assentiment de la partie adverse. La partie désirant produire le nouveau document le dépose, en original ou en copie certifiée conforme, au Greffe, qui en assurera la communication à la partie adverse et en informera la Cour. L'assentiment de la partie adverse est réputé acquis si celle-ci ne fait pas opposition à la production de ce document.

2. A défaut d'assentiment, la Cour, après avoir entendu les parties, peut écarter ou autoriser la production du nouveau document. Si la Cour accorde son autorisation, elle fournira à la partie adverse l'occasion de présenter ses observations sur le nouveau document produit et de soumettre tout document à l'appui de ces observations.

Art. 49. Sans préjudice des règles concernant la production de documents, chaque partie fait connaître au Greffe, en temps utile avant l'ouverture de la procédure orale, les moyens de preuve qu'elle entend invoquer ou dont elle a l'intention de demander que la Cour ordonne l'emploi. Cette communication contient la liste des noms, prénoms, qualité et domicile des témoins et experts que cette partie désire faire entendre, avec l'indication, en termes généraux, du ou des points sur lesquels doit porter la déposition.

Art. 50. La Cour détermine si les parties doivent plaider avant ou après la production des moyens de preuve, la discussion de ces moyens étant toujours réservée.

Art. 51. L'ordre dans lequel les agents, conseils ou avocats sont appelés à prendre la parole est déterminé par la Cour, sauf accord à ce sujet entre les parties.

Art. 52.—1. La Cour peut, durant les débats, poser des questions aux agents,

sel and advocates, and may ask them for explanations.

2. Each judge has a similar right to put questions, but before exercising it he should make his intention known to the President, who is made responsible by Article 45 of the Statute for the control of the hearing.

3. The agents, counsel and advocates shall be at liberty to answer immediately or at a later date.

Art. 53.—1. Witnesses and experts shall be examined by the agents, counsel or advocates of the parties under the control of the President. Questions may be put to them by the President and by the judges.

2. Each witness shall make the following declaration before giving his evidence in Court:

"I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth."

3. Each expert shall make the following declaration before making his statement in Court:

"I solemnly declare upon my honour and conscience that my statement will be in accordance with my sincere belief."

Art. 54. The Court may request the parties to call witnesses or experts, or may call for the production of any other evidence on points of fact in regard to which the parties are not in agreement. If need be, the Court shall apply the provisions of Article 44 of the Statute.

Art. 55. Witnesses or experts who appear at the instance of the Court shall be paid out of the funds of the Court.

Art. 56. The Court, or the President if the Court is not sitting, shall, at the request of one of the parties or on its own initiative, take the necessary steps for the examination of witnesses or experts otherwise than before the Court itself.

Art. 57.—1. If the Court considers it necessary to arrange for an enquiry or an expert opinion, it shall, after duly hearing the parties, issue an order to this effect, defining the subject of the enquiry or expert opinion, and stating the number and mode of appointment of the persons to hold the enquiry or of the experts and the procedure to be followed.

conseils ou avocats, ou leur demander des éclaircissements.

2. La même faculté appartient à chaque juge qui, pour l'exercer, fait connaître son intention au Président, chargé de la direction des débats par l'article 45 du Statut.

3. Les agents, conseils ou avocats ont la liberté de répondre immédiatement ou ultérieurement.

Art. 53.—1. Les témoins et experts sont interrogés par les agents, conseils ou avocats des parties, sous l'autorité du Président. Des questions peuvent leur être posées par le Président et par les juges.

2. Avant de faire sa déposition devant la Cour, chaque témoin prend l'engagement suivant:

"Je déclare solennellement, en tout honneur et en toute conscience, que je dirai la vérité, toute la vérité et rien que la vérité."

3. Avant de faire son exposé devant la Cour, chaque expert prend l'engagement suivant:

"Je déclare solennellement, en tout honneur et en toute conscience, que mon exposé correspondra à ma conviction sincère."

Art. 54. La Cour peut inviter les parties à présenter des témoins ou experts ou demander la production de tous autres moyens de preuve sur des points de fait au sujet desquels les parties ne sont pas d'accord. S'il y a lieu, la Cour fait application des dispositions de l'article 44 du Statut.

Art. 55. Les sommes à payer aux témoins ou experts qui se présentent sur l'initiative de la Cour le sont sur les fonds de la Cour.

Art. 56. La Cour ou, si elle ne siège pas, le Président, prend, soit à la demande de l'une des parties, soit sur sa propre initiative, les mesures nécessaires en vue de l'audition de témoins ou d'experts en dehors de la Cour.

Art. 57.—1. Toute décision de la Cour portant qu'il y a lieu de faire procéder à une enquête ou à une expertise est prise, les parties dûment entendues, par une ordonnance, laquelle précise l'objet de l'enquête ou de l'expertise, et se prononce sur le nombre et la désignation des enquêteurs et des experts, ainsi que sur les formalités à observer.

2. Every report or record of an enquiry and every expert opinion shall be communicated to the parties.

3. At any stage in the proceedings before the termination of the hearing, the Court may, either *proprio motu*, or at the request of one of the parties communicated as provided in Article 49 of these Rules, request a public international organization, pursuant to Article 34 of the Statute, to furnish information relevant to a case before it. The Court shall decide whether such information shall be presented to it orally or in writing.

4. When a public international organization sees fit to furnish, on its own initiative, information relevant to a case before the Court, it shall do so in the form of a Memorial to be filed in the Registry before the closure of the written proceedings. The Court shall retain the right to require such information to be supplemented, either orally or in writing, in the form of answers to any questions which it may see fit to formulate, and also to authorize the parties to comment in writing on the information thus furnished.

5. In the circumstances contemplated by Article 34, paragraph 3, of the Statute, the Registrar, on the instructions of the Court, or of the President if the Court is not sitting, shall proceed as prescribed in that paragraph. The Court, or the President if the Court is not sitting, shall, as from the date on which the Registrar has communicated copies of the written proceedings, fix a time-limit within which the public international organization concerned may submit to the Court its observations in writing. These observations shall be communicated to the parties and may be discussed by them and by the representative of the said organization during the oral proceedings.

Art. 58.—1. In the absence of any decision to the contrary by the Court, or by the President if the Court is not sitting at the time when the decision has to be made, speeches or statements made before the Court in one of the official languages shall be translated into the other official language; the same rule shall apply in regard to questions and answers. The Registrar shall make the necessary arrangements for this purpose.

2. Whenever, in accordance with Article 39, paragraph 3, of the Statute, a language other than French or English is

2. Tout rapport ou tout procès-verbal concernant l'enquête ainsi que le rapport d'expert est communiqué aux parties.

3. A tout moment de la procédure antérieure à la clôture des débats, la Cour peut soit d'office, soit sur demande d'une partie communiquée comme il est dit à l'article 49 du présent Règlement, demander à une organisation internationale publique, conformément à l'article 34 du Statut, des renseignements relatifs à une affaire portée devant elle. La Cour fixe la forme, écrite ou orale, en laquelle ces renseignements lui seront présentés.

4. Lorsqu'une organisation internationale publique juge à propos de fournir de sa propre initiative des renseignements relatifs à une affaire portée devant la Cour, elle doit le faire par un mémoire déposé au Greffe avant la clôture de la procédure écrite. La Cour conserve la faculté de faire compléter ces renseignements par écrit ou oralement sur la base des demandes qu'elle jugerait à propos d'énoncer, ainsi que d'autoriser les parties à présenter des observations écrites au sujet des renseignements ainsi fournis.

5. Dans le cas prévu à l'article 34, paragraphe 3, du Statut, le Greffier, sur les instructions de la Cour ou, si elle ne siège pas, du Président, procède comme il est prescrit audit paragraphe. La Cour ou, si elle ne siège pas, le Président fixe, à compter du jour où le Greffier a communiqué la procédure écrite, un délai pendant lequel l'organisation internationale publique intéressée pourra soumettre à la Cour ses observations écrites. Lesdites observations sont communiquées aux parties et peuvent être débattues par elles et par le représentant de ladite organisation au cours de la procédure orale.

Art. 58.—1. Sauf décision contraire prise par la Cour ou par le Président, si elle ne siège pas au moment où la décision doit être prise, les plaidoiries ou déclarations devant la Cour dans l'une des langues officielles sont traduites dans l'autre langue officielle; il en est de même des questions et réponses. Il incombe au Greffier de prendre toutes dispositions à cet effet.

2. Lorsque, conformément à l'article 39, paragraphe 3, du Statut, une langue autre que le français ou l'anglais est em-

used, the necessary arrangements for translation into one of the two official languages shall be made by the party concerned: the evidence of witnesses and the statements of experts shall, however, be translated under the supervision of the Court. In the case of witnesses or experts who appear at the instance of the Court, arrangements for translation shall be made by the Registry.

3. The persons making the translations referred to in the preceding paragraph shall make the following declaration in Court:

"I solemnly declare upon my honour and conscience that my translation will be a complete and faithful rendering of what I am called upon to translate."

Art. 59.—1. The minutes mentioned in Article 47 of the Statute shall include:

- the names of the judges present;
- the names of the agents, counsel or advocates present;

- the surnames, first names, description and residence of witnesses and experts heard;

- a brief record of the evidence produced at the hearing;

- declarations made on behalf of the parties;

- a brief record of questions put to the parties by the President or by the judges;

- any decisions delivered or announced by the Court during the hearing.

2. The minutes of public sittings shall be printed and published.

Art. 60.—1. At each hearing held by the Court, a shorthand note shall be made under the supervision of the Registrar of the oral proceedings, including the evidence taken, and shall be appended to the minutes referred to in Article 59 of the present Rules. This note, unless it is otherwise decided by the Court, shall contain any interpretations from one official language into the other made in Court by the interpreters.

2. A transcript of the evidence of each witness or expert shall be made available to him in order that mistakes may be corrected under the supervision of the Court.

3. A transcript of speeches or declarations made by agents, counsel or advocates shall be made available to them for correction or revision, under the supervision of the Court.

ployée, il incombe à la partie intéressée de prendre toutes dispositions pour en assurer la traduction dans l'une ou l'autre des langues officielles; toutefois, la traduction des dépositions des témoins et des exposés des experts est faite sous le contrôle de la Cour. Dans le cas de témoins ou d'experts qui se présentent sur l'initiative de la Cour, la traduction est assurée par les soins du Greffe.

3. Les personnes chargées des traductions visées au paragraphe précédent prennent, devant la Cour, l'engagement suivant:

"Je déclare solennellement, en tout honneur et en toute conscience, que ma traduction sera complète et fidèle."

Art. 59.—1. Le procès-verbal visé à l'article 47 du Statut comprend:

- les noms des juges présents;

- les noms des agents, conseils ou avocats présents;

- les noms, prénoms, qualité et domicile des témoins et experts entendus;

- l'indication des preuves produites à l'audience;

- les déclarations faites au nom des parties;

- la mention sommaire des questions posées aux parties par le Président ou par les juges;

- toutes décisions de la Cour prononcées ou annoncées à l'audience.

2. Les procès-verbaux des séances publiques sont imprimés et publiés.

Art. 60.—1. Pour chaque audience de la Cour, il est établi, sous la responsabilité du Greffier, un compte rendu sténographique de la procédure orale, y compris les dépositions, qui est joint au procès-verbal visé à l'article 59 du présent Règlement. Ce compte rendu, sauf décision contraire de la Cour, contient, le cas échéant, les traductions orales faites devant la Cour par les interprètes d'une langue officielle dans l'autre langue officielle.

2. Chaque témoin et expert reçoit communication du compte rendu de sa déposition, afin que, sous le contrôle de la Cour, il puisse corriger toutes erreurs.

3. Les agents, conseils ou avocats reçoivent communication du compte rendu de leurs plaidoiries ou déclarations, afin qu'ils puissent les corriger ou les reviser, sous le contrôle de la Cour.

II. *Occasional Rules**Interim Protection*

Art. 61.—1. A request for the indication of interim measures of protection may be filed at any time during the proceedings in the case in connection with which it is made. The request shall specify the case to which it relates, the rights to be protected and the interim measures of which the indication is proposed.

2. A request for the indication of interim measures of protection shall have priority over all other cases. The decision thereon shall be treated as a matter of urgency.

3. If the Court is not sitting, the members shall be convened by the President forthwith. Pending the meeting of the Court and a decision by it, the President shall, if need be, take such measures as may appear to him necessary in order to enable the Court to give an effective decision.

4. The Court may indicate interim measures of protection other than those proposed in the request.

5. The rejection of a request for the indication of interim measures of protection shall not prevent the party which has made it from making a fresh request in the same case based on new facts.

6. The Court may indicate interim measures of protection *proprio motu*. If the Court is not sitting, the President may convene the members in order to submit to the Court the question whether it is expedient to indicate such measures.

7. The Court may at any time by reason of a change in the situation revoke or modify its decision indicating interim measures of protection.

8. The Court shall only indicate interim measures of protection after giving the parties an opportunity of presenting their observations on the subject. The same rule applies when the Court revokes or modifies a decision indicating such measures.

Preliminary Objections

Art. 62.—1. A preliminary objection must be filed by a party at the latest before the expiry of the time-limit fixed for the delivery of its first pleading.

2. The preliminary objection shall set out the facts and the law on which the

II.—*Règles particulières**Des mesures conservatoires*

Art. 61.—1. Une demande en indication de mesures conservatoires peut être présentée à tout moment au cours de la procédure relative à l'affaire au sujet de laquelle elle est introduite. Elle spécifie quelle est cette affaire, quels sont les droits dont la conservation serait à assurer et quelles sont les mesures conservatoires dont l'indication est proposée.

2. La demande en indication de mesures conservatoires a la priorité sur toutes autres affaires. Il est statué d'urgence à son sujet.

3. Si la Cour ne siège pas, le Président en convoque sans retard les membres. En attendant que la Cour se réunisse et se prononce, le Président prend, s'il y a lieu, les mesures qui lui paraissent nécessaires afin de permettre à la Cour de statuer utilement.

4. La Cour peut indiquer des mesures conservatoires autres que celles qui sont proposées dans la demande.

5. Le rejet d'une demande en indication de mesures conservatoires n'empêche pas la partie qui l'avait introduite de présenter une nouvelle demande fondée sur des faits nouveaux.

6. La Cour peut indiquer d'office des mesures conservatoires. Si la Cour ne siège pas, le Président peut en convoquer les membres pour soumettre à la Cour la question de l'opportunité d'en indiquer.

7. La Cour peut en tout temps, à raison de changement des circonstances, rapporter ou modifier la décision portant indication de mesures conservatoires.

8. La Cour n'indique des mesures conservatoires qu'après avoir donné aux parties la possibilité de faire entendre leurs observations à ce sujet. Il en est de même si la Cour rapporte ou modifie la décision qui les avait indiquées.

Des exceptions préliminaires

Art. 62.—1. Toute exception préliminaire doit être présentée au plus tard avant l'expiration du délai fixé pour la première pièce de la procédure écrite à déposer par la partie soulevant l'exception.

2. L'acte introductif de l'exception contient l'exposé de fait et de droit sur

objection is based, the submissions and a list of the documents in support; these documents shall be attached; it shall mention any evidence which the party may desire to produce.

3. Upon receipt by the Registrar of a preliminary objection filed by a party, the proceedings on the merits shall be suspended and the Court, or the President if the Court is not sitting, shall fix the time-limit within which the other party may present a written statement of its observations and submissions; documents in support shall be attached and evidence which it is proposed to produce shall be mentioned.

4. Unless otherwise decided by the Court, the further proceedings shall be oral.

5. After hearing the parties the Court shall give its decision on the objection or shall join the objection to the merits. If the Court overrules the objection or joins it to the merits, it shall once more fix time-limits for the further proceedings.

Counter-claims

Art. 63. When proceedings have been instituted by means of an application, a counter-claim may be presented in the submissions of the Counter-Memorial, provided that such counter-claim is directly connected with the subject-matter of the application and that it comes within the jurisdiction of the Court. In the event of doubt as to the connection between the question presented by way of counter-claim and the subject-matter of the application the Court shall, after due examination, direct whether or not the question thus presented shall be joined to the original proceedings.

Intervention

Art. 64.—1. An application for permission to intervene under the terms of Article 62 of the Statute shall be filed in the Registry at latest before the commencement of the oral proceedings.

2. The application shall contain:
a description of the case;
a statement of law and of fact justifying intervention; and
a list of the documents in support of the application, these documents shall be attached.

3. The application shall be communicated to the parties, who shall send to the

lequel l'exception est fondée, les conclusions et le bordereau des pièces à l'appui, qui sont annexées; il fait mention des moyens de preuve que la partie désire éventuellement employer.

3. Dès réception par le Greffier de l'acte introductif de l'exception, la procédure sur le fond est suspendue et la Cour, ou, si elle ne siège pas, le Président fixe le délai dans lequel la partie contre laquelle l'exception est introduite peut présenter un exposé écrit contenant ses observations et conclusions; les documents à l'appui y sont annexés et les moyens éventuels de preuve sont indiqués.

4. Sauf décision contraire de la Cour, la suite de la procédure sur l'exception est orale.

5. La Cour, après avoir entendu les parties, statue sur l'exception ou la joint au fond. Si la Cour rejette l'exception ou la joint au fond, elle fixe de nouveau les délais pour la suite de l'instance.

Des demandes reconventionnelles

Art. 63. Lorsque l'instance a été introduite par requête, une demande reconventionnelle peut être présentée dans les conclusions du contre-mémoire, pourvu que cette demande soit en connexité directe avec l'objet de la requête et qu'elle rentre dans la compétence de la Cour. Si le rapport de connexité entre la demande présentée comme demande reconventionnelle et l'objet de la requête n'est pas apparent, la Cour, après examen, décide s'il y a lieu ou non de joindre cette demande à l'instance primitive.

Des interventions

Art. 64.—1. Une requête à fin d'intervention aux termes de l'article 62 du Statut est déposée au Greffe au plus tard avant l'ouverture de la procédure orale.

2. La requête contient:
l'indication de l'affaire;
l'exposé des raisons de droit et de fait justifiant l'intervention;
le bordereau des pièces à l'appui, qui sont annexées.

3. La requête est communiquée aux parties, qui déposent au Greffe leurs ob-

Registry their observations in writing within a time-limit to be fixed by the Court, or by the President, if the Court is not sitting.

4. The Registrar shall also transmit copies of the application for permission to intervene: (a) to Members of the United Nations through the Secretary-General and (b), by means of special arrangements made for this purpose between them and the Registrar, to any other States entitled to appear before the Court.

5. The application to intervene shall be placed on the agenda for a hearing, the date and hour of which shall be notified to all concerned. Nevertheless, if the parties have not, in their written observations, opposed the application to intervene, the Court may decide that there shall be no oral argument.

6. The Court will give its decision on the application in the form of a judgment.

Art. 65.—1. If the Court admits the intervention and if the party intervening expresses a desire to file a Memorial on the merits, the Court shall fix the time-limits within which the Memorial shall be filed and within which the other parties may reply by Counter-Memorials; the same course shall be followed in regard to the Reply and the Rejoinder. If the Court is not sitting, the time-limits shall be fixed by the President.

2. If the Court has not yet given its decision upon the intervention and the application to intervene is not opposed, the President, if the Court is not sitting, may, without prejudice to the decision of the Court on the question whether the application should be granted, fix the time-limits within which the intervening party may file a Memorial on the merits and the other parties may reply by Counter-Memorials.

3. In the cases referred to in the two preceding paragraphs, the time-limits shall, so far as possible, coincide with those already fixed in the case.

Art. 66.—1. A State which desires to avail itself of the right conferred upon it by Article 63 of the Statute shall file in the Registry a declaration to that effect. This declaration may be filed by a State even though it has not received the notification referred to in that Article.

2. Such declarations shall be communicated to the parties. If any objection or doubt should arise as to whether the inter-

ventions écrites dans le délai fixé par la Cour ou, si elle ne siège pas, par le Président.

4. Le Greffier transmet également copie de la requête à fin d'intervention: a) aux Membres des Nations unies par l'entremise du Secrétaire général, et b) aux autres Etats admis à ester devant la Cour, par la voie prévue dans un arrangement spécial conclu à cet effet par le Greffier.

5. La demande en intervention est inscrite à l'ordre du jour d'une audience, dont la date et l'heure sont communiquées à tous les intéressés. Toutefois, si les parties, dans leurs observations écrites, n'ont pas contesté l'intervention, la Cour peut décider que la discussion orale n'en aura pas lieu.

6. La Cour statue sur la requête par un arrêt.

Art. 65.—1. Lorsque la Cour admet l'intervention et si la partie intervenante demande à déposer un mémoire sur le fond, la Cour fixe les délais dans lesquels ce mémoire doit être déposé et dans lesquels les autres parties pourront répondre par des contre-mémoires; il en est de même pour la réplique et la duplique. Si la Cour ne siège pas, les délais sont fixés par le Président.

2. Si, la Cour n'ayant pas encore statué sur l'intervention, la requête en intervention n'est pas contestée et si la Cour ne siège pas, le Président peut, sans préjuder de la décision de la Cour sur l'admission de cette requête, fixer les délais dans lesquels la partie intervenante est autorisée à déposer son mémoire sur le fond et dans lesquels les autres parties pourront répondre par des contre-mémoires.

3. Dans les cas visés aux deux paragraphes précédents, les délais coïncideront, autant que possible, avec les délais déjà fixés dans l'affaire.

Art. 66.—1. L'Etat qui désire se prévaloir du droit que lui confère l'article 63 du Statut dépose au Greffe une déclaration à cet effet. Cette déclaration peut être présentée même en l'absence de la notification prévue audit article.

2. Les déclarations ci-dessus visées sont communiquées aux parties. En cas de contestation ou de doute sur l'admissi-

vention is admissible under Article 63 of the Statute, the decision shall rest with the Court.

3. The Registrar shall also transmit copies of the declarations: (a) to Members of the United Nations through the Secretary-General and (b), by means of special arrangements made for this purpose between them and the Registrar, to any other States entitled to appear before the Court.

4. The Registrar shall take the necessary steps to enable the intervening party to inspect the documents in the case in so far as they relate to the interpretation of the convention in question, and to submit its written observations thereon to the Court within a time-limit to be fixed by the Court or by the President if the Court is not sitting.

5. These observations shall be communicated to the other parties and may be discussed by them in the course of the oral proceedings; in these proceedings the intervening party shall take part.

Appeals to the Court

Art. 67.—1. When an appeal is made to the Court against a decision given by some other tribunal, the proceedings before the Court shall be governed by the provisions of the Statute and of these Rules.

2. If the document instituting the appeal must be filed within a certain limit of time, the date of the receipt of this document in the Registry will be taken by the Court as the material date.

3. The document instituting the appeal shall contain a precise statement of the grounds of the objections to the decision complained of, and these constitute the subject of the dispute referred to the Court.

4. A certified copy of the decision complained of shall be attached to the document instituting the appeal.

5. It is incumbent upon the parties to produce before the Court any useful and relevant material upon which the decision complained of was rendered.

Settlement and discontinuance

Art. 68. If at any time before judgment has been delivered, the parties conclude an agreement as to the settlement of the dispute and so inform the Court in

bilité de l'intervention sur la base de l'article 63 du Statut, la Cour décide.

3. Le Greffier transmet également copie de ces déclarations: a) aux Membres des Nations unies par l'entremise du Secrétaire général, et b) aux autres Etats admis à ester devant la Cour, par la voie prévue dans un arrangement spécial conclu à cet effet par le Greffier.

4. Le Greffier prend les mesures nécessaires pour permettre à la partie intervenante de prendre connaissance des documents de l'affaire, en tant qu'ils concernent l'interprétation de la convention en cause, et de soumettre à la Cour ses observations écrites à ce sujet dans un délai à fixer par la Cour ou, si elle ne siège pas, par le Président.

5. Lesdites observations sont communiquées aux autres parties et peuvent être débattues par elles au cours de la procédure orale, à laquelle prend part la partie intervenante.

Des recours exercés devant la Cour

Art. 67.—1. Lorsque la Cour est saisie d'un recours contre une sentence rendue par quelque autre juridiction, l'instance devant la Cour est régie par les dispositions du Statut et du présent Règlement.

2. Si l'acte introductif d'une instance en recours doit être déposé dans un délai déterminé, c'est la date de la réception de cet acte au Greffe qui est à considérer comme la date dont la Cour tiendra compte.

3. L'acte introductif d'une instance en recours formule en termes précis, comme objet du différend devant la Cour, les griefs invoqués contre la sentence attaquée.

4. A l'acte introductif d'une instance en recours doit être jointe une copie certifiée de la sentence attaquée.

5. Il appartient aux parties de produire devant la Cour tous éléments utiles et pertinents sur le vu desquels la sentence attaquée a été rendue.

Des arrangements amiables et des désistements

Art. 68. Avant le prononcé de l'arrêt, si les parties tombent d'accord sur la solution à donner au litige et le font connaître par écrit à la Cour ou si, d'un com-

writing, or by mutual agreement inform the Court in writing that they are not going on with the proceedings, the Court, or the President if the Court is not sitting, shall make an order officially recording the conclusion of the settlement or the discontinuance of the proceedings; in either case the order shall direct the removal of the case from the list.

Art. 69.—1. If in the course of proceedings instituted by means of an application, the applicant informs the Court in writing that it is not going on with the proceedings, and if, at the date on which this communication is received by the Registry, the respondent has not yet taken any step in the proceedings, the Court, or the President if the Court is not sitting, will make an order officially recording the discontinuance of the proceedings and directing the removal of the case from the list. A copy of this order shall be sent by the Registrar to the respondent.

2. If, at the time when the notice of discontinuance is received, the respondent has already taken some step in the proceedings, the Court, or the President if the Court is not sitting, shall fix a time-limit within which the respondent must state whether it opposes the discontinuance of the proceedings. If no objection is made to the discontinuance before the expiration of the time-limit, acquiescence will be presumed and the Court, or the President if the Court is not sitting, will make an order officially recording the discontinuance of the proceedings and directing the removal of the case from the list. If objection is made, the proceedings shall continue.

SECTION 2.—PROCEDURE BEFORE THE CHAMBERS

Art. 70. Procedure before the Chambers mentioned in Articles 26 and 29 of the Statute shall, subject to the provisions of the Statute and of these Rules relating to the Chambers and to any special rules which the Court may make, be governed by the provisions relating to procedure before the Court.

Art. 71.—1. When it is desired that a case should be dealt with by one of the Chambers which has been formed in pursuance of Article 26, paragraph 1, or Article 29 of the Statute, a request to this effect should either be made in the docu-

mun accord, elles lui font connaître par écrit qu'elles renoncent à poursuivre l'instance, la Cour, ou le Président si la Cour ne siège pas, rend une ordonnance leur donnant acte de leur arrangement amiable ou prenant acte de leur désistement et dans chaque cas prescrivant la radiation de l'affaire sur le rôle.

Art. 69.—1. Si, au cours d'une instance introduite par requête, la partie demanderesse fait connaître par écrit à la Cour qu'elle renonce à poursuivre la procédure, et si, à la date de la réception par le Greffe de ce désistement, la partie défenderesse n'a pas encore fait acte de procédure, la Cour, ou le Président si la Cour ne siège pas, rend une ordonnance prenant acte du désistement et prescrivant la radiation de l'affaire sur le rôle. Copie de ladite ordonnance est adressée par le Greffier à la partie défenderesse.

2. Si, à la date de la réception du désistement, la partie défenderesse a déjà fait acte de procédure, la Cour ou, si elle ne siège pas, le Président fixe un délai dans lequel ladite partie doit déclarer si elle s'oppose au désistement. Si, dans le délai fixé, il n'est pas fait opposition au désistement, celui-ci est réputé acquis et la Cour ou, si elle ne siège pas, le Président rend une ordonnance en prenant acte et prescrivant la radiation de l'affaire sur le rôle. S'il est fait opposition, l'instance se poursuit.

SECTION 2.—PROCÉDURE DEVANT LES CHAMBRES

Art. 70. La procédure devant les Chambres prévues aux articles 26 et 29 du Statut est, sous réserve des dispositions les concernant du Statut et du présent Règlement et des dispositions particulières qu'adopterait la Cour à ce sujet, réglée conformément aux prescriptions relatives à la procédure devant la Cour plénière.

Art. 71.—1. La demande tendant à ce qu'une affaire soit portée devant une des Chambres prévues aux articles 26, paragraphe 1, et 29 du Statut, et déjà constituées, doit être formulée dans l'acte introductif d'instance ou l'accompagner.

ment instituting the proceedings or accompany it.

2. Upon receipt by the Registry of this request, the President of the Court shall communicate it to the members of the Chamber concerned. He shall take such steps as may be necessary to give effect to the provisions of Article 31, paragraph 4, of the Statute.

3. A request for the formation of a Chamber to deal with a particular case as provided for in Article 26, paragraph 2, of the Statute, can be filed at any moment until the closure of the written proceedings. Upon receipt of such a request by the Registry, the President shall ascertain whether the other party assents. When both parties have assented, the President shall ascertain the views of the parties as to the number of judges to constitute the Chamber. The Court shall decide upon the request for the formation of a Chamber in accordance with Article 26, paragraphs 2 and 3, of the Statute and Article 24, paragraphs 2 and 5, of these Rules.

4. The President of the Court shall convene the Chamber at the earliest date compatible with the requirements of the procedure.

5. As soon as the Chamber has met to begin the hearing of the case submitted to it, the powers of the President of the Court shall be exercised in respect of the case by the President of the Chamber.

Art. 72.—1. The procedure before the Chamber for Summary Procedure shall consist of two parts: written and oral.

2. If the proceedings are instituted by means of a special agreement, the written proceedings shall consist of a single pleading by each party, filed within the same time-limit, the documents in support being annexed. If the proceedings are instituted by means of an application, the written proceedings shall consist of similar pleadings filed in turn, first by the applicant and secondly by the respondent within the time-limits fixed by the President of the Chamber. The Chamber may, nevertheless, whatever may be the method of instituting the proceedings, if the parties so request, permit the filing of further pleadings; if the Chamber upon its own initiative considers any further pleading to be necessary it may, after hearing the parties, direct that it should be filed.

Il est fait droit à cette demande s'il y a accord entre les parties.

2. Dès réception de cette demande par le Greffe, le Président de la Cour en donne communication aux membres de la Chambre intéressée. Il prend toutes dispositions éventuellement nécessaires pour assurer l'application de l'article 31, paragraphe 4, du Statut.

3. La demande tendant à constituer une Chambre pour connaître d'une affaire déterminée ainsi qu'il est prévu à l'article 26, paragraphe 2, du Statut, peut être formée à tout moment jusqu'à la fin de la procédure écrite. Dès réception de cette demande par le Greffe, le Président s'informe de l'assentiment de l'autre partie. Une fois cet assentiment acquis, le Président s'informe des désirs des parties au sujet du nombre des juges qui devront siéger dans cette Chambre. La Cour statue sur cette demande en se conformant à l'article 26, paragraphes 2 et 3, du Statut, et à l'article 24 du présent Règlement.

4. La Chambre est convoquée par le Président de la Cour pour la date la plus rapprochée suivant les exigences de la procédure.

5. La Chambre une fois réunie pour examiner l'affaire dont elle est saisie, les pouvoirs du Président de la Cour sont exercés dans cette affaire par le Président de la Chambre.

Art. 72.—1. Devant la Chambre de procédure sommaire, la procédure a deux phases: l'une écrite, l'autre orale.

2. Si l'instance est introduite par la notification d'un compromis, la procédure écrite comprend la présentation par chaque partie d'une seule pièce; les documents à l'appui y sont annexés; le délai pour cette présentation est le même pour les deux parties. Si l'instance est introduite par requête, la procédure écrite comprend la présentation des mêmes pièces déposées successivement, la première par la partie demanderesse, la seconde par la partie défenderesse dans les délais fixés par le Président de la Chambre. Toutefois, et quel que soit le mode d'introduction de l'instance, la Chambre peut, à la demande des parties, autoriser la présentation d'autres pièces écrites; si, de son propre chef, la Chambre estime nécessaire la présentation d'autres pièces, elle peut, après avoir entendu les parties, en ordonner la présentation.

3. The pleadings shall be communicated by the Registrar to the members of the Chamber and to the opposite party. They shall mention all evidence, other than the documents referred to in the preceding paragraph, which the parties desire to produce.

4. When the case is ready for hearing, the President of the Chamber shall fix a date for the opening of the oral proceedings, unless the parties agree to dispense with them; even if there are no oral proceedings, the Chamber shall retain the right to call upon the parties to supply oral explanations.

5. Witnesses or experts whose names are mentioned in the written proceedings must be available so as to appear before the Chamber when their presence is required.

Art. 73. Judgments given by a Chamber will be read at a public sitting of that Chamber.

SECTION 3.—JUDGMENTS

Art. 74.—1. The judgment shall contain:

a statement whether it has been delivered by the Court or by a Chamber;
the date on which it is delivered;
the names of the judges participating;
the names of the parties;
the names of the agents of the parties;
a summary of the proceedings;
the submissions of the parties;
a statement of the facts;
the reasons in point of law;
the operative provisions of the judgment;

the decision, if any, in regard to costs;

the number of the judges constituting the majority.

2. Any judge may, if he so desires, attach his individual opinion to the judgment, whether he dissents from the majority or not, or a bare statement of his dissent.

Art. 75.—1. When the judgment has been read in public, one original copy, duly signed and sealed, shall be placed in the archives of the Court and another shall be forwarded to each of the parties.

2. A copy of the judgment shall be sent by the Registrar to Members of the United Nations and to States entitled to appear before the Court.

3. Les pièces écrites qui sont communiquées par le Greffier aux membres de la Chambre et à la partie adverse, font mention des moyens de preuve que les parties désirent produire et autres que les documents visés au paragraphe précédent.

4. Après que l'affaire est en état, et à moins que les parties soient d'accord pour renoncer à la procédure orale, le Président de la Chambre en fixe l'ouverture; même en l'absence d'une procédure orale, la Chambre garde la faculté de demander aux parties des explications verbales.

5. Les témoins ou experts dont les noms sont indiqués dans la procédure écrite doivent être en mesure de se présenter devant la Chambre dès que leur présence est requise.

Art. 73. Lecture des arrêts émanant d'une Chambre est donnée en séance publique de celle-ci.

SECTION 3.—DES ARRÊTS

Art. 74.—1. L'arrêt comprend:

l'indication qu'il est rendu par la Cour ou par une Chambre;
la date à laquelle il est rendu;
les noms des juges qui y ont pris part;
l'indication des parties;
les noms des agents des parties;
l'exposé de la procédure;
les conclusions des parties;
les circonstances de fait;
les motifs de droit;
le dispositif;

la décision relative aux dépens, s'il y a lieu;

l'indication du nombre des juges ayant constitué la majorité.

2. Tout juge peut, s'il le désire, joindre à l'arrêt soit l'exposé de son opinion individuelle ou dissidente, soit la simple constatation de son dissentiment.

Art. 75.—1. Après lecture en séance publique, un exemplaire original de l'arrêt dûment signé et scellé est déposé aux archives de la Cour et un autre est remis à chacune des parties.

2. Le Greffier adresse une copie de l'arrêt aux Membres des Nations unies ainsi qu'aux Etats admis à ester en justice devant la Cour.

Art. 76. The judgment shall become binding on the parties on the day on which it is read in open Court.

Art. 77. The party in whose favour an order for the payment of the costs has been made shall present his bill of costs within ten days after the judgment has been delivered. The Court shall decide any dispute concerning the bill.

SECTION 4.—REQUESTS FOR THE REVISION OR INTERPRETATION OF A JUDGMENT

Art. 78.—1. A request for the revision of a judgment shall be made by an application.

The application shall state the judgment of which the revision is desired, and shall contain the particulars necessary to show that the conditions laid down by Article 61 of the Statute are fulfilled; and a list of the documents in support; these documents shall be attached to the application.

2. The request for revision shall be communicated by the Registrar to the other parties. The latter may submit observations within a time-limit to be fixed by the Court, or by the President if the Court is not sitting.

3. If the Court admits the application for a revision, it will determine the written procedure required for examining the merits of the application.

4. If the Court makes the admission of the application conditional upon previous compliance with the judgment to be revised, this condition shall be communicated forthwith to the applicant by the Registrar and proceedings in revision shall be stayed pending receipt by the Court of proof of compliance with the judgment.

Art. 79.—1. A request to the Court to interpret a judgment which it has given may be made either by the notification of a special agreement between the parties or by an application by one or more of the parties.

2. The special agreement or application shall state the judgment of which an interpretation is requested and shall specify the precise point or points in dispute.

3. If the request for interpretation is made by means of an application, the Registrar shall communicate the application to the other parties, and the latter may submit observations within a time-limit to be fixed by the Court, or by the President if the Court is not sitting.

Art. 76. L'arrêt est considéré comme ayant force obligatoire du jour où il a été lu en séance publique.

Art. 77. La partie au profit de laquelle une condamnation aux dépens est intervenue présentera la note de ses frais dans les dix jours qui suivent le prononcé de l'arrêt. En cas de contestation, la Cour décide.

SECTION 4.—DES DEMANDES EN REVISION OU EN INTERPRÉTATION

Art. 78.—1. La demande en revision d'un arrêt est introduite par une requête.

La requête comprend:
la mention de l'arrêt dont la revision est demandée;
les indications nécessaires pour établir que les conditions prévues par l'article 61 du Statut sont remplies;
le bordereau des pièces à l'appui, qui sont annexées.

2. La demande en revision est communiquée par le Greffier aux autres parties. Celles-ci peuvent présenter leurs observations dans le délai fixé par la Cour ou, si elle ne siège pas, par le Président.

3. Si la Cour reconnaît que la demande en revision est recevable, elle règle la procédure écrite pour l'examen au fond de la demande.

4. Si la Cour fait dépendre la recevabilité de la requête d'une exécution préalable de l'arrêt à reviser, cette condition est immédiatement portée à la connaissance du demandeur par le Greffier et la procédure en revision est suspendue jusqu'à ce que la Cour ait eu la preuve que l'arrêt a été exécuté.

Art. 79.—1. La demande en interprétation d'un arrêt est introduite soit par la notification d'un compromis entre les parties, soit par requête émanant d'une ou de plusieurs des parties.

2. Le compromis ou la requête comprend la mention de l'arrêt dont l'interprétation est demandée et l'indication précise du ou des points contestés.

3. Si la demande d'interprétation est introduite par requête, le Greffier communique cette requête aux autres parties, qui peuvent présenter leurs observations dans le délai fixé par la Cour ou, si elle ne siège pas, par le Président.

4. Whether the request be made by special agreement or by application, the Court may invite the parties to furnish further written or oral explanations.

Art. 80. If the judgment to be revised or to be interpreted was given by the Court, the request for its revision or interpretation shall be dealt with by the Court. If the judgment was given by one of the Chambers mentioned in Articles 26 or 29 of the Statute, the request for its revision or interpretation shall be dealt with by the same Chamber.

Art. 81. The decision of the Court on requests for revision or interpretation shall be given in the form of a judgment.

Heading III

ADVISORY OPINIONS

Art. 82.—1. In proceedings in regard to advisory opinions, the Court shall, in addition to the provisions of Article 96 of the Charter and Chapter IV of the Statute, apply the provisions of the Articles which follow. It shall also be guided by the provisions of these Rules which apply in contentious cases to the extent to which it recognizes them to be applicable; for this purpose it shall above all consider whether the request for the advisory opinion relates to a legal question actually pending between two or more States.

2. If the Court is of the opinion that a request for an advisory opinion necessitates an early answer, it shall take the necessary steps to accelerate the procedure.

Art. 83. If the advisory opinion is requested upon a legal question actually pending between two or more States, Article 31 of the Statute shall apply, as also the provisions of these Rules concerning the application of that Article.

Art. 84.—1. Advisory opinions shall be given after deliberation by the Court. They shall mention the number of judges constituting the majority.

2. Any judge may, if he so desires, attach his individual opinion to the advisory opinion of the Court, whether he dissents from the majority or not, or a bare statement of his dissent.

Art. 85.—1. The Registrar will in due time inform the Secretary-General of the United Nations and the appropriate organ of the institution, if any, which requested

4. La Cour peut inviter les parties à lui fournir par écrit ou oralement un supplément d'information, que l'instance ait été introduite par compromis ou par requête.

Art. 80. Si l'arrêt à reviser ou à interpréter a été rendu par la Cour, la Cour connaît de la demande en revision ou en interprétation. Si l'arrêt a été rendu par une des Chambres visées aux articles 26 ou 29 du Statut, la même Chambre connaît de la demande en revision ou en interprétation.

Art. 81. La Cour statue par un arrêt sur les demandes en revision ou en interprétation.

Titre III

DES AVIS CONSULTATIFS

Art. 82 —1. En matière d'avis consultatifs, la Cour applique, en dehors des dispositions de l'article 96 de la Charte et du chapitre IV du Statut, les articles ci-après. Elle s'inspire, en outre, des dispositions du présent Règlement relatives à la procédure en matière contentieuse dans la mesure où elle les reconnaît applicables: à cet effet, elle recherche avant tout si la demande d'avis consultatif a trait ou non à une question juridique actuellement pendante entre deux ou plusieurs Etats.

2. Si la Cour estime que la demande d'avis rend désirable une prompt réponse, elle prend toutes mesures utiles pour accélérer la procédure.

Art. 83. Si l'avis consultatif est demandé au sujet d'une question juridique actuellement pendante entre deux ou plusieurs Etats, l'article 31 du Statut est applicable, ainsi que les dispositions du présent Règlement qui pourvoient à l'application de cet article.

Art. 84.—1. Tout avis consultatif est émis après délibération par la Cour en séance plénière. Il mentionne le nombre des juges ayant constitué la majorité.

2. Tout juge peut, s'il le désire, joindre à l'avis de la Cour soit l'exposé de son opinion individuelle ou dissidente, soit la simple constatation de son dissentiment.

Art. 85.—1. Le Greffier avertit en temps utile le Secrétaire général des Nations unies et, le cas échéant, l'organe compétent de l'institution qui a demandé

the advisory opinion, as to the date and the hour fixed for the sitting to be held for the reading of the opinion.

2. One original copy of the advisory opinion, duly signed and sealed, shall be placed in the archives of the Court and another shall be sent to the Secretariat of the United Nations. Certified copies shall be sent by the Registrar to Members of the United Nations and to the States, specialized agencies and public international organizations directly concerned.

DONE at The Hague, this sixth day of May nineteen hundred and forty-six.

l'avis consultatif des date et heure fixées pour l'audience à laquelle il en sera donné lecture.

2. Un exemplaire original dûment signé et scellé de l'avis consultatif est déposé dans les archives de la Cour et un autre est remis au Secrétariat des Nations unies. Des copies certifiées conformes en sont transmises par le Greffier aux Membres des Nations unies, aux Etats, institutions spécialisées et organisations internationales publiques directement intéressés.

FAIT à La Haye, le six mai mil neuf cent quarante-six.

Le Président de la Cour: J. G. GUERRERO.

Le Greffier de la Cour: E. HAMBRO.

No. 655

AGREEMENT on Control Machinery in Austria. Signed at London, July 4, 1945.

ACCORD sur les organismes de contrôle en Autriche. Signé à Londres, 4 juillet 1945.

EDITOR'S NOTE. This Agreement was abrogated by the agreement of June 28, 1946 (No. 655b, *post*). A companion agreement on the zones of occupation in Austria was signed at London, July 9, 1945 (No. 655a, *post*). For the United States directive regarding the military government of Austria of June 27, 1945, see 13 *U.S. Department of State Bulletin* (1945), pp. 661-73; cf. 15 *idem* (1946), p. 864. On December 11, 1946, the Council of Foreign Ministers appointed special deputies to draft a peace treaty with Austria.

BIBLIOGRAPHY. This Agreement was released originally only in a summary form; see 13 *U.S. Department of State Bulletin* (1945), p. 221.

V. H. Cassidy, "The United States in the Allied Administration of Austria," 16 *idem* (1947), pp. 407-15, 435; France, "Haut Commissariat en Autriche: Deux ans et demi de présence française en Autriche," 870 *La Documentation française: Notes documentaires et études* (March 23, 1948), 82 pp.; C. J. Friedrich and others, *American Experiences in Military Government in World War II* (New York, 1948), pp. 169-94; I. L. G., "The Allied Commission for Austria," 1 *World Today* (1945), pp. 204-13; W. N. Hadsel, "Austria under Allied Occupation," 24 *Foreign Policy Reports* (1948), pp. 134-43; H. Holborn, *American Military Government* (Washington, 1947), pp. 75-86.

Entered into force July 4, 1945.

Text from *British Treaty Series*, No. 49 (1946), Cmd. 6958.

The Governments of the United Kingdom of Great Britain and Northern Ireland, the United States

Les Gouvernements du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, des Etats-Unis d'Amé-

of America and the Union of Soviet Socialist Republics and the Provisional Government of the French Republic;

In view of the declaration issued at Moscow on 1st November, 1943, in the name of the Governments of the United Kingdom, the United States of America and the Union of Soviet Socialist Republics, whereby the three Governments announced their agreement that Austria should be liberated from German domination, and declared that they wished to see re-established a free and independent Austria; and in view of the subsequent declaration issued at Algiers on 16th November, 1943, by the French Committee of National Liberation, concerning the independence of Austria;

Have reached the following Agreement with regard to the Allied Control Machinery which will operate in Austria until the establishment of a freely elected Austrian Government recognised by the Four Powers:

Article 1. The Allied Control Machinery in Austria will consist of an Allied Council, an Executive Committee and staffs appointed by the four Governments concerned, the whole organisation being known as the Allied Commission for Austria.

Art. 2.—(a) The Allied Council will consist of four Military Commissioners, one appointed by each of the Governments concerned. In addition to being members of the Allied Council, the Military Commissioners will each be in supreme command of the forces of occupation in Austria furnished by his Government. Supreme authority in Austria will be exercised jointly, in respect of matters affecting Austria as a whole, by the Military Commissioners on instructions from their respective Governments, in their capacity as members of the Allied Council. Subject to this, each Military Commissioner,

de l'Union des Républiques Socialistes Soviétiques, et le Gouvernement Provisoire de la République Française;

Considérant que dans la déclaration publiée à Moscou le 1^{er} novembre 1943 au nom des Gouvernements du Royaume-Uni, des Etats-Unis d'Amérique et de l'Union des Républiques Socialistes Soviétiques, les trois Gouvernements ont annoncé qu'ils étaient d'accord pour que l'Autriche soit libérée de la domination allemande, et ont déclaré leur intention de voir établir à nouveau une Autriche libre et indépendante; et considérant la déclaration publiée ultérieurement à Alger, le 16 novembre 1943, par le Comité Français de la Libération Nationale, concernant l'indépendance de l'Autriche;

Ont conclu l'accord suivant relatif à l'organisation du Contrôle allié en Autriche jusqu'à la constitution d'un Gouvernement autrichien librement élu et reconnu par les Quatre Puissances:

Article 1. Les organismes du Contrôle allié en Autriche seront composés d'un Conseil allié, d'un Comité Exécutif, et d'un personnel désigné par les quatre Gouvernements intéressés, l'ensemble de l'organisation prenant le nom de Commission alliée pour l'Autriche.

Art. 2.—(a) Le Conseil allié sera composé de quatre Commissaires militaires, chaque Gouvernement intéressé nommant l'un d'entre eux. En plus de ses fonctions de Membre du Conseil allié, chaque Commissaire militaire exercera le Commandement suprême des forces d'occupation en Autriche relevant de son Gouvernement. L'autorité suprême en Autriche sera exercée conjointement, pour les questions intéressant l'ensemble de l'Autriche, par les Commissaires militaires, sur instructions de leurs Gouvernements respectifs, en leur qualité de Membre du Conseil allié. Sous cette réserve,

in his capacity as Commander-in-Chief of the forces of occupation furnished by his Government, will exercise supreme authority in the zone occupied by those forces. Each Commander-in-Chief in his zone of occupation will have attached to him for liaison duties military, naval and air representatives of the other Commanders-in-Chief of forces of occupation in Austria.

(b) The Allied Council will meet at least once in ten days; and it will meet at any time upon request of any one of its members. Decisions of the Allied Council shall be unanimous. The Chairmanship of the Allied Council will be held in rotation by each of its four members.

(c) Each Military Commissioner will be assisted by a political adviser who will, when necessary, attend meetings of the Allied Council.

Art. 3. The Executive Committee will consist of one high-ranking representative of each of the four Commissioners. Members of the Executive Committee will, when necessary, attend meetings of the Allied Council.

Art. 4.—(a) The staffs of the Allied Commission in Vienna, appointed by their respective national authorities, will be organised in the following Divisions:

Military; Naval; Air; Economic; Finance; Reparation, Deliveries and Restitution; Internal Affairs; Labour; Legal; Prisoners of War and Displaced Persons; Political; and Transport.

Adjustments in the number and functions of the Divisions may be made in the light of experience.

(b) At the head of each Division there will be four officials, one from each Power. Heads of Divisions will take part in meetings of the Executive Committee at which mat-

chaque Commissaire militaire, en sa qualité de Commandant en Chef des forces d'occupation relevant de son Gouvernement, exercera l'autorité suprême dans la zone occupée par ces forces. Chaque Commandant en Chef dans sa zone d'occupation aura, détachés auprès de lui pour des fonctions de liaison, des représentants militaires, navals et de l'air des autres Commandants en Chef des forces d'occupation en Autriche;

b) Le Conseil allié se réunira au moins une fois tous les dix jours et, à tout moment, sur demande de l'un quelconque de ses Membres. Les décisions du Conseil allié devront être prises à l'unanimité. La présidence du Conseil allié sera exercée à tour de rôle par chacun de ses quatre membres;

c) Chaque Commissaire militaire sera assisté par un Conseiller politique qui, quand cela sera nécessaire, sera présent aux séances du Conseil allié.

Art. 3. Le Comité Exécutif sera composé d'un représentant de rang élevé de chacun des quatre Commissaires. Les Membres du Comité Exécutif assisteront, quand cela sera nécessaire, aux séances du Conseil allié.

Art. 4.—a) Les Membres du personnel de la Commission alliée à Vienne, nommés par leurs autorités nationales respectives, seront répartis dans les Divisions suivantes: armée de terre; armée de mer; armée de l'air; économique; financière; réparations, prestations et restitutions; affaires intérieures; travail; juridique; prisonniers de guerre et personnes déplacées; politique; transports.

A la lumière de l'expérience, des ajustements pourront être apportés au nombre et aux fonctions de ces Divisions.

b) A la tête de chaque Division, seront placés quatre fonctionnaires, un de chacune des quatre Puissances. Les Chefs de Division prendront part aux séances du Comité Exécutif

ters affecting the work of their Divisions are on the agenda.

(c) The staffs of the Divisions may include civilian as well as military personnel. They may also, in special cases, include nationals of other United Nations, appointed in a personal capacity.

Art. 5. The Allied Council will—

(a) initiate plans and reach decisions on the chief military, political, economic and other questions affecting Austria as a whole, on the basis of instructions received by each Commissioner from his Government;

(b) ensure appropriate uniformity of action in the zones of occupation.

Art. 6. The Executive Committee, acting on behalf of the Allied Council, will—

(a) ensure the carrying out of the decisions of the Allied Council through the appropriate Divisions of the Allied Commission referred to in Article 4;

(b) co-ordinate the activities of the Divisions of the Allied Commission, and examine and prepare all questions referred to it by the Allied Council.

Art. 7. The Divisions of the Allied Commission will—

(a) advise the Allied Council and the Executive Committee;

(b) carry out the decisions of the Allied Council conveyed to them through the Executive Committee.

Art. 8. The primary tasks of the Allied Commission for Austria will be—

(a) to ensure the enforcement in Austria of the provisions of the Declaration regarding the defeat of Germany signed at Berlin on 5th June, 1945;

(b) to achieve the separation of Austria from Germany;

(c) to secure the establishment, as soon as possible, of a central Austrian administrative machine;

lorsqu'à l'Ordre du Jour de celles-ci figureront des questions intéressant le travail de leur Division;

c) Le personnel des Divisions pourra comprendre des Membres civils aussi bien que militaires. Il pourra également, dans certains cas particuliers, comprendre des ressortissants d'autres Nations Unies, nommés à titre personnel.

Art. 5. Le Conseil allié devra—

a) établir des plans et prendre des décisions sur les principales questions militaires, politiques, économiques et autres, intéressant l'ensemble de l'Autriche, sur la base des instructions que chaque Commissaire recevra de son Gouvernement;

b) assurer l'uniformité d'action appropriée dans les zones d'occupation.

Art. 6. Le Comité Exécutif, agissant au nom du Conseil allié, devra—

a) assurer l'exécution des décisions du Conseil allié par l'intermédiaire des Divisions correspondantes de la Commission alliée visée à l'article 4;

b) coordonner l'activité des Divisions de la Commission alliée et examiner et préparer toutes questions qui lui auront été soumises par le Conseil allié.

Art. 7. Les Divisions de la Commission alliée devront—

a) conseiller le Conseil allié et le Comité Exécutif;

b) exécuter les décisions du Conseil allié qui leur auront été transmises par le Comité Exécutif.

Art. 8. Les fonctions essentielles de la Commission alliée pour l'Autriche seront:

a) d'assurer en Autriche l'exécution des dispositions de la Déclaration concernant la défaite de l'Allemagne signée à Berlin le 5 juin 1945;

b) de réaliser la séparation entre l'Autriche et l'Allemagne;

c) d'assurer la constitution, aussitôt que possible, d'une organisation administrative centrale en Autriche;

(d) to prepare the way for the establishment of a freely elected Austrian Government;

(e) meanwhile to provide for the administration of Austria to be carried on satisfactorily.

Art. 9. In the period before the establishment of departments of a central Austrian Administration, which period shall be as short as possible, the decisions of the Allied Commission, in so far as they may require action in the respective zones, will be carried out through the occupation authorities. The necessary instructions to those authorities will be given by the respective Military Commissioners, in their capacity as Commanders-in-Chief, on the basis of decisions of the Allied Council.

Art. 10. As soon as departments of a central Austrian Administration are in a position to operate satisfactorily, they will be directed to assume their respective functions as regards Austria as a whole. In the fulfilment of its tasks, the Allied Commission will thenceforward work through such departments. It will then be the duty of the Divisions of the Allied Commission to control the activities of the respective departments and to communicate to them the decisions of the Allied Council and Executive Committee.

Art. 11.—(a) An Inter-Allied Governing Authority (Komendatura) consisting of four Commandants, one from each Power, appointed by their respective Commissioners, will be established to direct jointly the administration of the City of Vienna. Each of the Commandants will serve in rotation, in the position of Chief Commandant, as head of the Inter-Allied Governing Authority.

(b) A Technical Staff, consisting of personnel of each of the four Powers, will be established under the

d) de préparer la constitution d'un Gouvernement autrichien librement élu;

e) entretemps, de prendre les dispositions nécessaires pour que l'administration de l'Autriche soit assurée de façon satisfaisante.

Art. 9. Dans la période qui précédera la constitution des services de l'administration centrale autrichienne, période qui devra être aussi courte que possible, les décisions de la Commission alliée, pour autant qu'elles nécessiteront une action dans les zones respectives, seront exécutées par l'intermédiaire des autorités d'occupation. Les instructions nécessaires seront données à ces autorités par les Commissaires militaires respectifs en leur qualité de Commandants en Chef, sur la base des décisions du Conseil allié.

Art. 10. Aussitôt que les services de l'administration centrale autrichienne seront en mesure de fonctionner d'une façon satisfaisante, ils recevront des instructions pour assumer leurs fonctions respectives en ce qui concerne l'ensemble de l'Autriche. Dès lors, dans la poursuite de ses tâches, la Commission alliée passera par l'intermédiaire de ces services. Les Divisions de la Commission alliée devront alors contrôler les activités des services correspondants et leur communiquer les décisions du Conseil allié et du Comité Exécutif.

Art. 11.—a) Une autorité interalliée de Gouvernement (en russe Komendatura) comprenant quatre Commandants supérieurs, un de chaque Puissance, nommés par leurs Commissaires respectifs, sera établie pour diriger conjointement l'administration de la ville de Vienne. Chacun des Commandants supérieurs assurera à tour de rôle les fonctions de Commandant supérieur en chef, à titre de Chef de l'autorité interalliée de Gouvernement;

b) Un personnel technique comprenant des Membres de chacune des quatre Puissances, sera établi

Inter-Allied Governing Authority, and will be organised for the purpose of supervising and controlling the activities of the organs of the City of Vienna responsible for its municipal services.

(c) The Inter-Allied Governing Authority will operate under the general direction of the Allied Council and will receive orders through the Executive Committee.

Art. 12. The necessary liaison with the Governments of other United Nations chiefly interested will be ensured by the appointment by such Governments of military missions (which may include civilian members) to the Allied Council.

Art. 13. United Nations' organisations which may be admitted by the Allied Council to operate in Austria will, in respect of their activities in Austria, be subordinate to the Allied Commission and answerable to it.

Art. 14. The nature and extent of the Allied direction and guidance which will be required after the establishment of a freely elected Austrian Government recognised by the Four Powers will form the subject of a separate agreement between those Powers.

The above text of the Agreement on Control Machinery in Austria between the Governments of the United Kingdom, the United States of America and the Union of Soviet Socialist Republics and the Provisional Government of the French Republic has been prepared and unanimously adopted by the European Advisory Commission at a meeting held on 4th July, 1945.

sous l'autorité interalliée de Gouvernement et organisé aux fins de surveiller et de contrôler les activités des organismes de la ville de Vienne responsables des services municipaux;

c) L'autorité interalliée de Gouvernement fonctionnera sous la direction générale du Conseil allié et recevra des ordres par l'intermédiaire du Comité Exécutif.

Art. 12. Les liaisons nécessaires avec les Gouvernements des autres Nations Unies principalement intéressés seront assurées par des missions militaires (qui pourront comprendre des membres civils) nommées par ces Gouvernements auprès du Conseil allié.

Art. 13. Les organisations des Nations Unies qui pourront être admises par le Conseil allié à fonctionner en Autriche seront, en ce qui concerne leurs activités en Autriche, subordonnées à la Commission alliée et responsables envers elle.

Art. 14. La nature et l'étendue de l'intervention alliée en Autriche qui sera jugée nécessaire après la constitution d'un Gouvernement autrichien librement élu et reconnu par les Quatre Puissances, feront l'objet d'un accord séparé entre ces Puissances.

Le texte ci-dessus de l'accord entre les Gouvernements du Royaume-Uni, des Etats-Unis d'Amérique, de l'Union des Républiques Socialistes Soviétiques et le Gouvernement Provisoire de la République Française, sur les organismes de contrôle en Autriche, a été préparé et adopté à l'unanimité par la Commission Consultative Européenne dans sa séance du 4 juillet 1945.

[Signed:] *Representative of the Government of the United Kingdom on the European Advisory Commission: RONALD I. CAMPBELL; Representative of the Government of the United States of America on the European Advisory Commission: JOHN G. WINANT; Representative of the Government of the Union of Soviet Socialist Republics on the European Advisory Commission: F. GOUSEV; Representative of the Provisional Government of the French Republic on the European Advisory Commission: R. MASSIGLI.*

No. 655a

Agreement on Zones of Occupation in Austria. Signed at London, July 9, 1945.

Accord sur les zones d'occupation en Autriche. Signé à Londres, 9 juillet 1945.

EDITOR'S NOTE. This Agreement was prepared by the European Advisory Commission established by the Moscow Conference in October 1943. 9 *U.S. Department of State Bulletin* (1943), p. 308.

APPROVALS. On July 24, 1945, notices of approval had been effected by the four signatory governments.

BIBLIOGRAPHY. The text of this Agreement is also published in *U.S. Treaties and Other International Acts Series*, No. 1600.

Entered into force July 24, 1945.

Text from *British Treaty Series*, No. 49 (1946), Cmd. 6958, pp. 15, 19.

1. The Governments of the United Kingdom of Great Britain and Northern Ireland, the United States of America and the Union of Soviet Socialist Republics and the Provisional Government of the French Republic have agreed that the territory of Austria within her frontiers as they were on the 31st December, 1937, will be occupied by armed forces of the United Kingdom, the United States of America, the Union of Soviet Socialist Republics and the French Republic.

2. For the purposes of occupation, Austria will be divided as follows into four zones, one of which will be allotted to each of the Four Powers, and a special Vienna area which will be jointly occupied by armed forces of the Four Powers:

North-Eastern (Soviet) Zone (as shown on the annexed map "A")¹

The province of Lower Austria with the exception of the City of Vienna, that part of the province of Upper Austria situated on the left bank of the Danube, and the province of Burgenland which existed

1. Les Gouvernements du Royaume-Uni, des Etats-Unis d'Amérique et de l'Union des Républiques Socialistes Soviétiques et le Gouvernement Provisoire de la République Française sont tombés d'accord pour décider que l'Autriche, à l'intérieur de ses frontières telles qu'elles existaient le 31 décembre 1937, sera occupée par les forces armées du Royaume-Uni, des Etats-Unis d'Amérique, de l'Union des Républiques Socialistes Soviétiques et de la République Française.

2. Aux fins d'occupation, l'Autriche sera divisée en quatre zones, dont une sera attribuée à chacune des Quatre Puissances; Vienne formera une région spéciale qui sera occupée conjointement par les forces armées des Quatre Puissances:

Zone Nord-Est (Soviets) (voir carte "A" en annexe)¹

La province de Basse Autriche, à l'exception de la ville de Vienne, la partie de la province de Haute Autriche située sur la rive gauche du Danube, et la province du Burgenland, telle qu'elle existait avant la

¹ The maps are not reproduced.—Ed.

prior to the Decree of the 1st October, 1938, concerning boundary changes in Austria, will be occupied by armed forces of the Union of Soviet Socialist Republics.

North-Western (United States) Zone
(as shown on the annexed map "A")

The province of Salzburg and that part of the province of Upper Austria situated on the right bank of the Danube will be occupied by armed forces of the United States.

Western (French) Zone (as shown on the annexed map "A")

The provinces of Tirol and Vorarlberg will be occupied by armed forces of the French Republic.

Southern (United Kingdom) Zone (as shown on the annexed map "A")

The province of Carinthia, including Ost Tirol, and the province of Styria, except the area of the Burgenland as it existed before the Decree of the 1st October, 1938, will be occupied by armed forces of the United Kingdom.

City of Vienna

The territory of the City of Vienna will be divided into the following parts as shown on the annexed map "B":

The districts of Leopoldstadt, Brigittenau, Floridsdorf, Wieden and Favoriten will be occupied by armed forces of the Soviet Union;

The districts of Neubau, Josefstadt, Hernals, Alsergrund, Währing and Döbling will be occupied by armed forces of the United States of America;

The districts of Mariahilf, Penzing, Fünfhaus (including the district of Rudolfsheim) and Ottakring will be occupied by armed forces of the French Republic;

mise en vigueur du Décret du 1^{er} octobre 1938 concernant les modifications de frontières en Autriche, seront occupées par les forces armées de l'Union des Républiques Socialistes Soviétiques.

Zone Nord-Ouest (Etats-Unis) (voir carte "A" en annexe)

La province de Salzbourg et la partie de la province de Haute Autriche située sur la rive droite du Danube, seront occupées par les forces armées des Etats-Unis d'Amérique.

Zone Ouest (France) (voir carte "A" en annexe)

Les provinces du Tyrol et du Vorarlberg seront occupées par les forces armées de la République Française.

Zone Sud (Royaume-Uni) (voir carte "A" en annexe)

La province de Carinthie, y compris le Tyrol oriental, et la province de Styrie, à l'exception de la région du Burgenland telle qu'elle existait avant la mise en vigueur du Décret du 1^{er} octobre 1938, seront occupées par les forces armées du Royaume-Uni.

Ville de Vienne

Le territoire de la ville de Vienne sera divisé comme suit en quatre secteurs (voir carte "B" en annexe):

Les arrondissements de Leopoldstadt, Brigittenau, Floridsdorf, Wieden et Favoriten seront occupés par les forces armées de l'Union des Républiques Socialistes Soviétiques;

Les arrondissements de Neubau, Josefstadt, Hernals, Alsergrund, Währing et Döbling seront occupés par les forces armées des Etats-Unis d'Amérique;

Les arrondissements de Mariahilf, Penzing, Fünfhaus (Rudolfsheim compris) et Ottakring seront occupés par les forces armées de la République Française;

The districts of Hietzing, Margareten, Meidling, Landstrasse and Simmering will be occupied by armed forces of the United Kingdom.

The district of Innere Stadt will be occupied by armed forces of the four Powers.

3. Boundaries between the zones of occupation, with the exception of the boundaries of the City of Vienna and of the province of Burgenland, will be those obtaining after the coming into effect of the Decree of the 1st October, 1938, concerning boundary changes in Austria. The boundaries of the City of Vienna and of the province of Burgenland will be those which existed on the 31st December, 1937.

4. An inter-Allied Governing Authority (Komendatura), consisting of four Commandants appointed by their respective Commanders-in-Chief, will be established to direct jointly the administration of the City of Vienna.

5. The Tulln aerodrome, together with all installations and facilities pertaining thereto, will be under the administrative and operational control of the armed forces of the United States of America. The Schwechat aerodrome, together with all installations and facilities pertaining thereto, will be under the administrative and operational control of the armed forces of the United Kingdom for the joint use of the British and French armed forces. The armed forces and officials of the occupying Powers will enjoy free and unimpeded access to the aerodromes assigned to their respective occupancy and use.

6. The present Agreement has been drawn up in quadruplicate in the English, Russian and French languages. All three texts are authentic.

7. The present Agreement will come into force as soon as it has been approved by the four Governments.

Les arrondissements de Wietzing, Margareten, Meidling, Landstrasse et Simmering seront occupés par les forces armées du Royaume-Uni;

L'arrondissement de Innere Stadt sera occupé par les forces armées des quatre Puissances.

3. Les limites entre les zones d'occupation, à l'exception des limites de la ville de Vienne et de la province du Burgenland, seront les limites existant après la mise en vigueur du Décret du 1^{er} octobre 1938 concernant les modifications des limites administratives autrichiennes. Les limites de la ville de Vienne et de la province du Burgenland seront celles qui existaient le 31 décembre 1937.

4. Une Autorité Interalliée de Gouvernement (en russe: Komendatura) composée de quatre Commandants supérieurs, nommés par les Commandants en Chef respectifs, sera établie pour diriger conjointement l'administration de la ville de Vienne.

5. L'aérodrome de Tulln, ainsi que toutes les installations et facilités s'y trouvant, sera administré et exploité par les forces armées des Etats-Unis d'Amérique. L'aérodrome de Schwechat, ainsi que toutes les installations et facilités s'y trouvant, sera administré et exploité par les forces armées du Royaume-Uni pour être utilisé en commun par les forces armées britanniques et françaises. Les forces armées et fonctionnaires des Puissances occupantes auront libre accès aux aérodromes respectivement désignés pour être occupés et utilisés par elles.

6. Le présent accord a été établi en quatre exemplaires, en anglais, français et russe. Les trois textes sont authentiques.

7. Le présent accord entrera en vigueur dès que les quatre Gouvernements l'auront approuvé.

The above text of the Agreement between the Governments of the United Kingdom, the United States of America and the Union of Soviet Socialist Republics and the Provisional Government of the French Republic on the Zones of Occupation in Austria and the Administration of the City of Vienna has been prepared and unanimously adopted by the European Advisory Commission at a meeting held on the 9th July, 1945.

Le texte ci-dessus de l'accord entre les Gouvernements du Royaume-Uni, des Etats-Unis d'Amérique, de l'Union des Républiques Socialistes Soviétiques et le Gouvernement Provisoire de la République Française sur les zones d'occupation en Autriche et l'administration de la ville de Vienne a été préparé et adopté à l'unanimité par la Commission Consultative Européenne dans sa séance du 9 juillet 1945.

[Here follow the same signatures as those affixed to No. 655, *ante*.]

No. 655b

Agreement on the Machinery of Control in Austria. Signed at Vienna, June 28, 1946.

Accord sur le mécanisme de contrôle en Autriche. Signé à Vienne, 28 juin 1946.

EDITOR'S NOTE. The control agreement of July 4, 1945 (No. 655, *ante*), provided for the conclusion of a new agreement "after the establishment of a freely elected Austrian Government." Elections were held in Austria on November 25, 1945, and an Austrian Government was recognized by the occupying states in January 1946.

BIBLIOGRAPHY. The English version of this Agreement is also published in 15 *U.S. Department of State Bulletin* (1946), p. 175.

See also the bibliography under No. 655, *ante*.

Entered into force June 28, 1946.

Text from *British Treaty Series*, No. 49 (1946), Cmd. 6958, pp. 21, 34.

The Governments of the United Kingdom of Great Britain and Northern Ireland, the United States of America, the Union of Soviet Socialist Republics and the Government of the French Republic (hereinafter called the Four Powers);

In view of the declaration issued at Moscow on the 1st November, 1943, in the name of the Governments of the United Kingdom, the United States of America and the

Les Gouvernements du Royaume-Uni de la Grande-Bretagne et d'Irlande du Nord, des Etats-Unis d'Amérique, de l'Union des Républiques Socialistes Soviétiques et le Gouvernement de la République Française (qui sont désignés par la suite dans ce document par l'expression "Les Quatre Puissances"):

Considérant la déclaration faite à Moscou le 1^{er} novembre 1943, au nom des Gouvernements de Grande-Bretagne, des Etats-Unis et de l'Union des Républiques Socialistes

Union of Soviet Socialist Republics, whereby the three Governments announced their agreement that Austria should be liberated from German domination, and declared that they wished to see re-established a free and independent Austria, and in view of the subsequent declaration issued at Algiers on the 16th November, 1943, by the French Committee of National Liberation concerning the independence of Austria;

Considering it necessary, in view of the establishment, as a result of free elections held in Austria on the 25th November, 1945, of an Austrian Government recognised by the Four Powers, to redefine the nature and extent of the authority of the Austrian Government and of the functions of the Allied organisation and forces in Austria and thereby to give effect to Article 14 of the Agreement signed in the European Advisory Commission on the 4th July, 1945;

Have agreed as follows:

Article 1. The authority of the Austrian Government shall extend fully throughout Austria, subject only to the following reservations:

(a) The Austrian Government and all subordinate Austrian authorities shall carry out such directions as they may receive from the Allied Commission;

(b) In regard to the matters specified in Article 5 below neither the Austrian Government nor any subordinate Austrian authority shall take action without the prior written consent of the Allied Commission.

Art. 2.—(a) The Allied organisation in Austria shall consist of—

(i) an Allied Council, consisting of four High Commissioners, one appointed by each of the Four Powers;

(ii) an Executive Committee, con-

Soviétiques par laquelle les trois Gouvernements ont fait connaître leur accord sur le fait que l'Autriche devait être libérée de la domination allemande et ont déclaré qu'ils souhaitaient voir le rétablissement d'une Autriche libre et indépendante, et considérant la déclaration ultérieure faite à Alger le 16 novembre 1943 par le Comité Français de Libération Nationale, relative à l'indépendance de l'Autriche:

Jugeant nécessaire, étant donné l'établissement, à la suite des élections libres qui ont eu lieu en Autriche, le 25 novembre 1945, d'un Gouvernement autrichien reconnu par les Quatre Puissances, de définir à nouveau la nature et l'étendue de l'autorité du Gouvernement Autrichien et des fonctions des organisations et des forces Alliées en Autriche, et par là de mettre en exécution l'article 14 de l'accord signé à la Commission Consultative Européenne le 4 juillet 1945,

Ont convenu ce qui suit:

Article 1. L'autorité du Gouvernement Autrichien s'exercera pleinement sur l'ensemble du territoire de l'Autriche, sous les seules réserves suivantes:

a) Le Gouvernement Autrichien et toutes les Autorités Autrichiennes qui lui sont subordonnées, exécuteront toutes les instructions qu'ils pourront recevoir de la Commission Alliée.

b) En ce qui concerne les questions stipulées à l'article 5 ci-dessous, ni le Gouvernement Autrichien, ni aucune Autorité Autrichienne subordonnée ne prendra aucune mesure sans avoir obtenu, au préalable, le consentement écrit de la Commission Alliée.

Art. 2.—a) L'organisation Alliée en Autriche comprendra:

i) un Conseil Allié, composé de quatre Hauts-Commissaires; chacune des Quatre Puissances désignant l'un d'entre eux;

ii) un Comité Exécutif composé

sisting of one high ranking representative of each of the High Commissioners;

(iii) Staffs appointed respectively by the Four Powers;

the whole organisation being known as the Allied Commission for Austria.

(b) (i) The authority of the Allied Commission in matters affecting Austria as a whole shall be exercised by the Allied Council or the Executive Committee or the Staffs appointed by the Four Powers when acting jointly.

(ii) The High Commissioners shall within their respective zones ensure the execution of the decisions of the Allied Commission and supervise the execution of the directions of the central Austrian authorities.

(iii) The High Commissioners shall also ensure within their respective zones that the actions of the Austrian provincial authorities deriving from their autonomous functions do not conflict with the policy of the Allied Commission.

(c) The Allied Commission shall act only through the Austrian Government or other appropriate Austrian authorities except:

(i) to maintain law and order if the Austrian authorities are unable to do so;

(ii) if the Austrian Government or other appropriate Austrian authorities do not carry out directions received from the Allied Commission;

(iii) where, in the case of any of the subjects detailed in Article 5 below, the Allied Commission acts directly.

(d) In the absence of action by the Allied Council, the four several High Commissioners may act independently in their respective zones in any matter covered by sub-paragraphs (i) and (ii) of paragraph (c) of this Article and by Article 5, and in any matter in respect of which

d'un Représentant de grade élevé de chacun des Hauts-Commissaires;

iii) des organismes accrédités respectivement par les Quatre Puissances;

l'ensemble de l'organisation étant connu sous le nom de Commission Alliée pour l'Autriche.

b) i) L'autorité de la Commission Alliée pour les questions affectant l'Autriche dans son ensemble sera exercée par le Conseil Allié ou le Comité Exécutif ou les organismes accrédités par les Quatre Puissances lorsqu'ils agissent conjointement.

ii) Les Hauts-Commissaires devront assurer dans leurs zones respectives l'application des décisions de la Commission Alliée et contrôler l'exécution des directives des Autorités centrales autrichiennes.

iii) Les Hauts-Commissaires devront également s'assurer dans leurs zones respectives que les actes des Autorités provinciales autrichiennes découlant de leurs fonctions autonomes, ne sont pas contraires à la politique de la Commission Alliée.

c) La Commission Alliée n'agira que par l'intermédiaire du Gouvernement Autrichien ou d'autres Autorités Autrichiennes qualifiées, sauf:

i) pour maintenir l'ordre public si les Autorités Autrichiennes en sont incapables;

ii) si le Gouvernement Autrichien ou d'autres Autorités Autrichiennes qualifiées n'exécutent pas les directives reçues de la Commission Alliée;

iii) dans le cas où pour l'une quelconque des questions énumérées à l'article 5 ci-dessous, la Commission Alliée agit directement.

d) En l'absence d'une mesure prise par le Conseil Allié, les quatre Hauts-Commissaires peuvent agir indépendamment dans leurs zones respectives, dans l'un quelconque des cas visés par les sous-paragraphes i) et ii) du paragraphe c) du présent article et par l'article 5 et dans

power is conferred on them by the agreement to be made under Article 8 (a) of this Agreement.

(e) Forces of occupation furnished by the Four Powers will be stationed in the respective zones of occupation in Austria and Vienna as defined in the Agreement on Zones of Occupation in Austria and the administration of the City of Vienna, signed in the European Advisory Commission on the 9th July, 1945. Decisions of the Allied Council which require implementation by the forces of occupation will be implemented by the latter in accordance with instructions from their respective High Commissioners.

Art. 3. The primary tasks of the Allied Commission for Austria shall be:

(a) To ensure the enforcement in Austria of the provisions of the Declaration on the Defeat of Germany signed at Berlin on the 5th June, 1945.

(b) To complete the separation of Austria from Germany, and to maintain the independent existence and integrity of the Austrian State, and pending the final definition of its frontiers to ensure respect for them as they were on the 31st December, 1937.

(c) To assist the Austrian Government to recreate a sound and democratic national life based on an efficient administration, stable economic and financial conditions and respect for law and order.

(d) To assist the freely elected Government of Austria to assume as quickly as possible full control of the affairs of state in Austria.

(e) To ensure the institution of a progressive long-term educational programme designed to eradicate all traces of Nazi ideology and to instil into Austrian youth democratic principles.

chaque cas pour lequel le pouvoir leur en est donné en vertu de l'accord prévu par le paragraphe a) de l'article 8 du présent accord.

e) Les troupes d'occupation fournies par les Quatre Puissances seront stationnées dans leurs zones respectives d'occupation en Autriche, et à Vienne, comme il a été précisé dans l'accord sur les zones d'occupation en Autriche et l'administration de la ville de Vienne, signé par la Commission Consultative Européenne le 9 juillet 1945. Les décisions du Conseil Allié dont l'exécution ne peut être confiée qu'aux troupes d'occupation, seront mises en application par ces dernières, conformément aux instructions de leurs Hauts-Commissaires respectifs.

Art. 3. Les tâches essentielles de la Commission Alliée pour l'Autriche seront les suivantes:

a) Assurer en Autriche l'application des clauses de la Déclaration sur la défaite de l'Allemagne, signée à Berlin, le 5 juin 1945.

b) Achever la séparation de l'Autriche et de l'Allemagne et assurer l'intégrité et l'existence indépendante de l'Etat Autrichien, et, en attendant qu'elles soient définitivement fixées, assurer le respect des frontières telles qu'elles étaient à la date du 31 décembre 1937.

c) Aider le Gouvernement Autrichien à recréer une vie nationale démocratique et équilibrée, fondée sur une administration efficace, sur de stables conditions économiques et financières et sur le respect de l'ordre et de la loi.

d) Aider le Gouvernement Autrichien librement élu à assurer le plus rapidement possible le plein contrôle des affaires de l'Etat en Autriche.

e) Assurer l'établissement d'un programme d'éducation progressif et à longue échéance, destiné à extirper toute trace d'idéologie nazie et à inculquer des principes démocratiques à la jeunesse autrichienne.

Art. 4.—(a) In order to facilitate the full exercise of the Austrian Government's authority equally in all zones and to promote the economic unity of Austria, the Allied Council will from the date of signature of this Agreement ensure the removal of all remaining restrictions on the movement within Austria of persons, goods or other traffic, except such as may be specifically prescribed by the Allied Council or required in frontier areas for the maintenance of effective control of international movements. The zonal boundaries will then have no other effect than as boundaries of the spheres of authority and responsibility of the respective High Commissioners and the location of occupation troops.

(b) The Austrian Government may organise a customs and frontier administration, and the Allied Commission will take steps as soon as practicable to transfer to it customs and travel control functions concerning Austria which do not interfere with the military needs of the occupation forces.

Art. 5. The following are the matters in regard to which the Allied Commission may act directly as provided in Article 2 (c) (iii) above:

(i) Demilitarisation and disarmament (military, economic, industrial, technical and scientific).

(ii) The protection and security of the Allied forces in Austria, and the fulfilment of their military needs in accordance with the Agreement to be negotiated under Article 8 (a).

(iii) The protection, care and restitution of property belonging to the Governments of any of the United Nations or their nationals.

(iv) The disposal of German property in accordance with the existing agreements between the Allies.

Art. 4.—a) Afin de faciliter le plein exercice de l'autorité du Gouvernement Autrichien uniformément dans toutes les zones et de favoriser l'unité économique de l'Autriche, le Conseil Allié assurera, à compter de la date de la signature de cet accord, la suppression des dernières restrictions au mouvement à l'intérieur de l'Autriche, des personnes et des marchandises ou à toute autre circulation excepté celles de ces restrictions que le Conseil Allié peut spécialement prescrire, ou celles qu'exige le maintien du contrôle efficace des déplacements internationaux dans les régions frontalières. Les limites des zones n'auront alors d'autre effet que de limiter les sphères d'autorité et de responsabilité des Hauts-Commissaires respectifs et l'emplacement des troupes d'occupation.

b) Le Gouvernement Autrichien est autorisé à organiser une administration douanière et frontalière et la Commission Alliée prendra aussitôt que possible des mesures pour lui transférer celles des fonctions de contrôle de la douane et des déplacements intéressant l'Autriche, qui n'affectent pas les besoins militaires des troupes d'occupation.

Art. 5. La Commission pourra agir directement ainsi qu'il est prévu à l'article 2 c) iii) ci-dessus, dans les questions suivantes:

i) Démilitarisation et désarmement (militaire, économique, industriel, technique et scientifique).

ii) Protection et sécurité des forces alliées en Autriche et satisfaction de leurs besoins militaires, conformément à l'accord qui devra être négocié conformément au paragraphe a) de l'article 8.

iii) Protection, prise en charge et restitution des biens appartenant au Gouvernement de l'une quelconque des Nations Unies ou à ses ressortissants.

iv) Disposition des biens allemands conformément aux accords existant entre les Alliés.

(v) The care and evacuation of, and exercise of judicial authority over, prisoners of war and displaced persons.

(vi) The control of travel into and out of Austria until Austrian travel controls can be established.

(vii) (a) The tracing, arrest and handing-over of any person wanted by one of the Four Powers or by the International Court for War Crimes and Crimes against Humanity.

(b) The tracing, arrest and handing-over of any person wanted by other United Nations for the crimes specified in the preceding paragraph and included in the lists of the United Nations Commission for War Crimes.

The Austrian Government will remain competent to try any other person accused of such crimes and coming within its jurisdiction, subject to the Allied Council's right of control over prosecution and punishment for such crimes.

Art. 6.—(a) All legislative measures, as defined by the Allied Council, and international agreements which the Austrian Government wishes to make except agreements with one of the Four Powers, shall, before they take effect or are published in the State Gazette, be submitted by the Austrian Government to the Allied Council. In the case of constitutional laws, the written approval of the Allied Council is required, before any such law may be published and put into effect. In the case of all other legislative measures and international agreements it may be assumed that the Allied Council has given its approval if within thirty-one days of the time of receipt by the Allied Commission it has not informed the Austrian Government that it objects to a legislative measure or an international agreement. Such legislative measure or international agreement may

v) Prise en charge, évacuation et exercice de la justice, en ce qui concerne les prisonniers de guerre et les personnes déplacées.

vi) Contrôle de l'entrée et de la sortie de l'Autriche, jusqu'à ce qu'un contrôle autrichien des voyages soit établi.

vii) a) La recherche, l'arrestation, la livraison de toute personne réclamée par l'une quelconque des Quatre Puissances ou par le Tribunal International pour crime de guerre ou pour crime contre l'humanité.

b) La recherche, l'arrestation, la livraison de toute personne réclamée par d'autres Nations Unies pour les crimes prévus à l'alinéa ci-dessus et inscrite sur la liste de la Commission des Nations Unies pour les crimes de guerre.

Le Gouvernement Autrichien restera compétent pour juger toute autre personne accusée de tels crimes et relevant de sa juridiction, sous réserve du droit, pour le Conseil Allié, de contrôler la poursuite et la condamnation de ces crimes.

Art. 6.—a) Toutes les mesures législatives, telles qu'elles sont définies par le Conseil Allié, et les accords internationaux que le Gouvernement Autrichien désire conclure, à l'exception des accords conclus avec l'une des Quatre Puissances, devront, avant leur mise en vigueur ou leur publication au *Bulletin Officiel*, être soumis par le Gouvernement Autrichien au Conseil Allié.

Lorsqu'il s'agit de lois constitutionnelles, l'approbation écrite du Conseil Allié est obligatoire avant qu'aucune de ces lois puisse être publiée et être mise en vigueur.

Pour toutes les autres mesures législatives et pour les accords internationaux, le Conseil Allié sera réputé avoir donné son approbation si, dans un délai de 31 jours à dater de leur réception par la Commission Alliée, celle-ci n'a pas fait connaître au Gouvernement Autrichien qu'elle a des objections à faire valoir à l'en-

then be published and put into effect. The Austrian Government will inform the Allied Council of all international agreements entered into with one or more of the Four Powers.

(b) The Allied Council may at any time inform the Austrian Government or the appropriate Austrian authority of its disapproval of any of the legislative measures or administrative actions of the Government or of such authority, and may direct that the action in question shall be cancelled or amended.

Art. 7. The Austrian Government is free to establish diplomatic and consular relations with the Governments of the United Nations. The establishment of diplomatic and consular relations with other Governments shall be subject to the prior approval of the Allied Council. Diplomatic Missions in Vienna shall have the right to communicate directly with the Allied Council. Military Missions accredited to the Allied Council shall be withdrawn as soon as their respective Governments establish diplomatic relations with the Austrian Government, and in any case within two months of the signature of this Agreement.

Art. 8.—(a) A further agreement between the Four Powers shall be drawn up and communicated to the Austrian Government as soon as possible, and within three months of this day's date, defining the immunities of the members of the Allied Commission and of the forces in Austria of the Four Powers and the rights they shall enjoy to ensure their security and protection and the fulfilment of their military needs.

(b) Pending the conclusion of the further agreement required by Arti-

contre de la mesure législative ou de l'accord international. Ladite mesure législative ou ledit accord international pourra alors être publié et être mis en vigueur.

Le Gouvernement Autrichien devra porter à la connaissance du Conseil Allié tous les accords internationaux conclus avec l'une ou plusieurs des Quatre Puissances.

b) Le Conseil Allié peut, à tout moment, informer le Gouvernement Autrichien ou les Autorités Autrichiennes compétentes qu'il désapprouve l'une des mesures législatives ou administratives prises par le Gouvernement ou par ces Autorités et peut ordonner que la mesure en question soit rapportée ou amendée.

Art. 7. Le Gouvernement Autrichien est libre de nouer des relations diplomatiques et consulaires avec les Gouvernements des Nations Unies. L'établissement de relations diplomatiques et consulaires avec les autres Gouvernements sera soumis à l'approbation préalable du Conseil Allié. Les Missions diplomatiques à Vienne auront le droit de communiquer directement avec le Conseil Allié. Les Missions accréditées auprès du Conseil Allié seront retirées aussitôt que leurs Gouvernements respectifs auront établi des relations diplomatiques avec le Gouvernement Autrichien et, en tout cas, dans un délai de deux mois à compter de la date de la signature de cet accord.

Art. 8.—(a) Un nouvel accord entre les Quatre Puissances sera rédigé et communiqué au Gouvernement Autrichien aussitôt que possible et dans un délai maximum de trois mois à compter de ce jour. Il définira les immunités des Membres de la Commission Alliée et des troupes des Quatre Puissances en Autriche, ainsi que les droits dont ils jouiront pour assurer leur sécurité et leur protection et la satisfaction de leurs besoins militaires.

b) En attendant la conclusion de l'accord à venir prévu par le para-

cle 8 (a) the existing rights and immunities of members of the Allied Commission and of the forces in Austria of the Four Powers, deriving either from the Declaration on the Defeat of Germany or from the powers of a Commander-in-Chief in the field, shall remain unimpaired.

Art. 9.—(a) Members of the Allied Council, the Executive Committee and other staffs appointed by each of the Four Powers as part of the Allied Commission may be either civilian or military.

(b) Each of the Four Powers may appoint as its High Commissioner either the Commander-in-Chief of its forces in Austria or its diplomatic or political representative in Austria or such other official as it may care to nominate.

(c) Each High Commissioner may appoint a deputy to act for him in his absence.

(d) A High Commissioner may be assisted in the Allied Council by a political adviser and/or a military adviser who may be respectively the diplomatic or political representative of his Government in Vienna or the Commander-in-Chief of the forces in Austria of his Government.

(e) The Allied Council shall meet at least twice in each month or at the request of any member.

Art. 10.—(a) Members of the Executive Committee shall, when necessary, attend meetings of the Allied Council.

(b) The Executive Committee shall act on behalf of the Allied Council in matters delegated to it by the Council.

(c) The Executive Committee shall ensure that the decisions of the Allied Council and its own decisions are carried out.

(d) The Executive Committee shall co-ordinate the activities of the Staffs of the Allied Commission.

graphe a) de l'article 8, les droits et immunités actuels des Membres de la Commission Alliée et des troupes des Quatre Puissances en Autriche, institués soit par la Déclaration sur la défaite de l'Allemagne, soit en vertu des pouvoirs d'un Commandant en Chef en campagne, demeureront sans changement.

Art. 9.—a) Les Membres du Conseil Allié, du Comité Exécutif et des autres organismes désignés par chacune des Quatre Puissances pour faire partie de la Commission Alliée, peuvent être soit civils, soit militaires.

b) Chacune des Quatre Puissances peut désigner comme Haut-Commissaire soit le Commandant en Chef de ses Forces en Autriche, soit son représentant diplomatique ou politique en Autriche, soit tout autre fonctionnaire à son choix.

c) Chaque Haut-Commissaire peut désigner un adjoint pour le suppléer en son absence.

d) Un Haut-Commissaire peut être assisté au Conseil Allié par un Conseiller Politique et/ou un Conseiller Militaire qui peuvent respectivement être le représentant politique ou diplomatique de son Gouvernement à Vienne, ou le Commandant en Chef de Forces de son Gouvernement en Autriche.

e) Le Conseil Allié se réunira au moins deux fois par mois ou sur la demande de l'un de ses Membres.

Art. 10.—a) Les Membres du Comité Exécutif assisteront, lorsqu'il est nécessaire, aux séances du Conseil Allié.

b) Le Comité Exécutif statuera au nom du Conseil Allié dans les affaires qui lui sont confiées par le Conseil Allié.

c) Le Comité Exécutif assurera l'exécution des décisions du Conseil Allié et de ses propres décisions.

d) Le Comité Exécutif coordonnera les activités des organismes de la Commission Alliée.

Art. 11.—(a) The staffs of the Allied Commission in Vienna shall be organised in Divisions matching one or more of the Austrian Ministries or Departments with the addition of certain Divisions not corresponding to any Austrian Ministry or Department. The List of Divisions is given in Annex 1 to this Agreement; this organisation may be changed at any time by the Allied Council.

(b) The Divisions shall maintain contact with the appropriate Departments of the Austrian Government and shall take such action and issue such directions as are within the policy approved by the Allied Council or the Executive Committee.

(c) The Divisions shall report as necessary to the Executive Committee.

(d) At the head of each Division there shall be four Directors, one from each of the Four Powers, to be collectively known as the Directorate of that Division. Directors of Divisions or their representatives may attend meetings of the Allied Council or of the Executive Committee in which matters affecting the work of their Divisions are being discussed. The four officials acting as the head of each Division may appoint such temporary sub-committees as they deem desirable.

Art. 12. The decisions of the Allied Council, Executive Committee and other constituted bodies of the Allied Commission shall be unanimous.

The chairmanship of the Allied Council, Executive Committee and Directorates shall be held in rotation.

Art. 13. The existing Inter-Allied Command in Vienna, formerly known as the *Kommendatura*, shall continue to act as the instrument of the Allied Commission for affairs

Art. 11.—a) Les organismes de la Commission Alliée seront constitués en Divisions, correspondant à un ou plusieurs Ministères ou Départements Autrichiens et comprenant en outre certaines Divisions ne correspondant à aucun Ministère ou Département Autrichien. La liste des Divisions est donnée à l'annexe 1 de cet accord; cette organisation peut être modifiée à tout moment par le Conseil Allié.

b) Les Divisions entretiendront des rapports avec les départements qualifiés du Gouvernement Autrichien; elles prendront toutes mesures et donneront toutes instructions dans le cadre de la politique arrêtée par le Conseil Allié ou par le Comité Exécutif.

c) Les Divisions feront rapport, s'il y a lieu, au Comité Exécutif.

d) A la tête de chaque Division, se trouveront quatre Directeurs à raison d'un pour chacune des Quatre Puissances, dont la réunion portera le nom de Directoire de la Division. Les Directeurs des Divisions ou leurs Représentants peuvent assister aux réunions du Conseil Allié et du Comité Exécutif au cours desquelles les questions intéressant le travail de leurs Divisions sont discutées. Les quatre personnalités qui remplissent les fonctions de Chef de chaque Division peuvent créer tel ou tel sous-comité provisoire selon qu'elles l'estiment désirable.

Art. 12. Les décisions du Conseil Allié, du Comité Exécutif et des autres organismes constitués, de la Commission Alliée, seront prises à l'unanimité.

La présidence du Conseil Allié, du Comité Exécutif et des Directoires sera assurée par roulement.

Art. 13. Le Commandement interallié actuel de Vienne, précédemment connu sous le nom de *Kommandantur*, continuera à statuer en tant qu'organe d'exécution de la

concerning Vienna as a whole until its functions in connexion with civil administration can be handed over to the Vienna Municipality. These will be handed over progressively and as rapidly as possible. The form of supervision which will then be applied will be decided by the Allied Council. Meanwhile the Vienna Inter-Allied Command shall have the same relation to the Municipal Administration of Vienna as the Allied Commission has to the Austrian Government.

Art. 14. The present Agreement shall come into operation as from this day's date and shall remain in force until it is revised or abrogated by agreement between the Four Powers. On the coming into effect of the present Agreement the Agreement signed in the European Advisory Commission on the 4th July, 1945, shall be abrogated. The Four Powers shall consult together not more than six months from this day's date with a view to its revision.

IN WITNESS WHEREOF the present Agreement has been signed on behalf of each of the Four Powers by its High Commissioner in Austria.

Done this twenty-eighth day of June, 1946, at Vienna in quadruplicate in English, in French and in Russian, each text being equally authentic. A translation into German shall be agreed between the four High Commissioners and communicated by them as soon as possible to the Austrian Government.

Commission Alliée, pour les affaires intéressant Vienne, dans son ensemble, jusqu'à ce que les fonctions qu'il exerce en matière d'administration civile puissent être remises à la municipalité de Vienne. Ces fonctions seront remises progressivement et aussi rapidement que possible. La nature du contrôle qui sera alors exercé fera l'objet d'une décision du Conseil Allié. Entre-temps, le Commandement interallié de Vienne aura, vis-à-vis de l'administration municipale de Vienne, le même rôle que la Commission Alliée vis-à-vis du Gouvernement Autrichien.

Art. 14. Le présent accord entrera en vigueur à la date de ce jour et restera en vigueur jusqu'à sa révision ou jusqu'à son abrogation d'un commun accord entre les Quatre Puissances. Au moment de sa mise en application, l'accord actuel signé à la Commission Consultative Européenne le 4 juillet 1945 sera abrogé. Dans un délai maximum de 6 mois à compter de ce jour, les Quatre Puissances se consulteront en vue de sa révision.

EN FOI DE QUOI le présent accord a été signé au nom de chacune des Quatre Puissances et par son Haut-Commissaire en Autriche.

Fait le 28 juin 1946 à Vienne, en quatre exemplaires, en anglais, français et russe, chaque texte ayant la même valeur authentique. Une traduction en allemand sera approuvée par les quatre Hauts-Commissaires et communiquée par leurs soins aussitôt que possible au Gouvernement Autrichien.

[Signed:] For the Government of the **United Kingdom**: Lieutenant-General J. S. STEELE; for the Government of the **United States of America**: General MARK W. CLARK; for the Government of the **Union of Soviet Socialist Republics**: Colonel General L. V. KOURASOV; for the Government of the **French Republic**: Général de Corps d'Armée M. E. BETHOUART.

ANNEX I

List of the Divisions of the Allied Commission (See Article 11 (a))

(a) Divisions each matching one or more Ministries or Departments of the Austrian Government:

<i>Division</i>	<i>Austrian Departments</i>
1. Internal Affairs	{ Interior. Chancery (except Foreign Department).
2. Political.....	Chancery (Foreign Department).
3. Legal.....	Law and Justice.
4. Finance.....	Finance.
5. Education.....	Public Education and Religious Affairs.
6. Social Administration.....	Social Administration.
7. Economic.....	{ Economic Planning and Property Control. Commerce and Reconstruction. Food. Agriculture and Forestry. Electrification and Power.
8. Transport and Communications.....	Transportation.

(b) Divisions not matching any Austrian Ministry or Department:

9. Reparations, Deliveries and Restitution.
10. Prisoners of War and Displaced Persons.
11. Naval.
12. Military.
13. Air.

ANNEXE I

Liste des Divisions de la Commission Alliée (voir article 11 a))

a) Divisions correspondant à un ou plusieurs Ministères ou Départements du Gouvernement Autrichien.

<i>Division</i>	<i>Départements Autrichiens</i>
1. Affaires Intérieures..	{ Intérieur. Chancellerie (sauf le Département des Affaires Etrangères). Chancellerie (Département des Affaires Etrangères).
2. Politique.....	Législation et Justice.
3. Justice.....	Finances.
4. Finances.....	Instruction publique et Cultes.
5. Education.....	Affaires Sociales.
6. Affaires Sociales	{ Planification économique et Protection des Biens. Commerce et Reconstruction. Ravitaillement. Agriculture et Forêts. Electrification et Energie.
7. Economie.....	Transports.
8. Transports et Communications.....	

b) Divisions ne correspondant à aucun Ministère ou Département Autrichien.

9. Réparations, Restitutions et Contrôle des Biens.
10. P.D.R.
11. Marine.
12. Guerre.
13. Air.

No. 656

AGREEMENT for the Establishment of the Council of Foreign Ministers. Adopted at Berlin, August 1, 1945.

ACCORD sur la création du Conseil des Ministres des Affaires Etrangères. Adopté à Berlin, 1 août 1945.

EDITOR'S NOTE. This Agreement was adopted at the Berlin (Potsdam) Conference of the heads of government of the United States, Great Britain, and the Soviet Union, July 17–August 2, 1945. For reports on this conference, see 13 *U.S. Department of State Bulletin* (1945), pp. 153–61, 208–13. For other agreements adopted at the conference, see Nos. 657, 658, *post*. The first session of the Council of the Foreign Ministers was held at London, September 11–October 2, 1945.

RATIFICATIONS. This Agreement was not subject to ratification.

BIBLIOGRAPHY. The text of the Agreement, as released in 1945, was published in 13 *U.S. Department of State Bulletin* (1945), p. 153; *Br. Parl. Papers*, Misc. No. 14 (1945), Cmd. 6689; 39 *Am. Jour. Int. Law* (Supp., 1945), p. 246. For a Spanish translation, see 5 *Revista peruana de derecho internacional* (1945), p. 267.

G. Glasgow, "Potsdam and After," 168 *Contemporary Review* (1945), pp. 145-51; U.S. Department of State, *Making the Peace Treaties, 1941-1947* (Publ. 2774, European Series, No. 24), pp. 13-14.

Entered into force August 1, 1945.

Text from *Br. Parl. Papers*, Misc. No. 6 (1947), Cmd. 7087.

A. The Conference reached the following Agreement for the establishment of a Council of Foreign Ministers to do the necessary preparatory work for the peace settlements:

(1) There shall be established a Council composed of the Foreign Ministers of the United Kingdom, the Union of Soviet Socialist Republics, China, France and the United States.

(2) (i) The Council shall normally meet in London, which shall be the permanent seat of the joint Secretariat which the Council will form. Each of the Foreign Ministers will be accompanied by a high-ranking Deputy, duly authorised to carry on the work of the Council in the absence of his Foreign Minister, and by a small staff of technical advisers.

(ii) The first meeting of the Council shall be held in London not later than the 1st September, 1945. Meetings may be held by common agreement in other capitals as may be agreed from time to time.

(3) (i) As its immediate important task, the Council shall be authorised to draw up, with a view to their submission to the United Nations, treaties of peace with Italy, Roumania, Bulgaria, Hungary and Finland, and to propose settlements of territorial questions outstanding on the termination of the war in Europe. The Council shall be utilised for the preparation of a peace settlement for Germany to be ac-

cepted by the Government of Germany when a Government adequate for the purpose is established.

(ii) For the discharge of each of these tasks the Council will be composed of the Members representing those States which were signatory to the terms of surrender imposed upon the enemy State concerned. For the purposes of the peace settlement for Italy, France shall be regarded as a signatory to the terms of surrender for Italy. Other Members will be invited to participate when matters directly concerning them are under discussion.

(iii) Other matters may from time to time be referred to the Council by agreement between the Member Governments.

(4) (i) Whenever the Council is considering a question of direct interest to a State not represented thereon, such State should be invited to send representatives to participate in the discussion and study of that question.

(ii) The Council may adapt its procedure to the particular problem under consideration. In some cases it may hold its own preliminary discussions prior to the participation of other interested States. In other cases, the Council may convoke a formal conference of the State[s] chiefly interested in seeking a solution of the particular problem.

B. It was agreed that the three Governments should each address an identical invitation to the Govern-

ments of China and France to adopt this text and to join in establishing the Council. The text of the approved invitation was as follows:

COUNCIL OF FOREIGN MINISTERS

Draft for identical invitation to be sent separately by each of the Three Governments to the Governments of China and France

"The Governments of the United Kingdom, the United States and the U.S.S.R. consider it necessary to begin without delay the essential preparatory work upon the peace settlements in Europe. To this end they are agreed that there should be established a Council of the Foreign Ministers of the Five Great Powers to prepare treaties of peace with the European enemy States, for submission to the United Nations. The Council would also be empowered to propose settlements of outstanding territorial questions in Europe and to consider such other matters as member Governments might agree to refer to it.

"The text adopted by the Three Governments is as follows:

(Here insert final agreed text of the Proposal.)

"In agreement with the Governments of the *United States and U.S.S.R., His Majesty's Government in the United Kingdom and U.S.S.R., the United States Government, the United Kingdom and the Soviet Government* extend a cordial invitation to the Government of *China (France)* to adopt the text quoted above and

to join in setting up the Council. *His Majesty's Government, the United States Government, the Soviet Government* attach much importance to the participation of the *Chinese Government (French Government)* in the proposed arrangements, and they hope to receive an early and favourable reply to this invitation."

C. The establishment of the Council of Foreign Ministers for the specific purposes named in the text will be without prejudice to the Agreement of the Crimea Conference that there should be periodical consultation between the Foreign Secretaries of the United States, the Union of Soviet Socialist Republics and the United Kingdom.

D. The Conference also considered the position of the European Advisory Commission in the light of the Agreement to establish the Council of Foreign Ministers. It was noted with satisfaction that the Commission had ably discharged its principal tasks by the recommendations that it had furnished for the terms of surrender for Germany, for the zones of occupation in Germany and Austria, and for the inter-Allied control machinery in those countries. It was felt that further work of a detailed character for the co-ordination of Allied policy for the control of Germany and Austria would in future fall within the competence of the Control Council in Berlin and the Allied Commission at Vienna. Accordingly it was agreed to recommend that the European Advisory Commission be dissolved.

No. 657

AGREEMENT on the Treatment of Germany. Adopted at Berlin, August 1, 1945.

ACCORD sur le traitement de l'Allemagne. Adopté à Berlin, 1 août 1945.

EDITOR'S NOTE. This Agreement was adopted at the Berlin (Potsdam) Conference of the heads of government of the United States, Great Britain, and the Soviet Union, July 17–August 2, 1945. For reports on this conference, see 13 *U.S. Department of State Bulletin* (1945), pp. 153–61, 208–13. For other agreements adopted at the conference, see No. 656, *ante*, and No. 658, *post*. A preliminary agreement on the treatment of Germany had been reached at the Yalta Conference in February 1945. 12 *U.S. Department of State Bulletin* (1945), p. 214. A declaration regarding the assumption of supreme authority with respect to Germany was signed at Berlin, June 5, 1945 (No. 652, *ante*); it was supplemented by the agreement signed at Berlin, September 20, 1945 (No. 652a, *ante*). On the execution of the Potsdam agreements, see 18 *U.S. Department of State Bulletin* (1948), p. 738.

RATIFICATIONS. This Agreement was not subject to ratification.

BIBLIOGRAPHY. The text of this Agreement, as released in 1945, was published in 13 *idem* (1945), p. 154; U.S. Department of State, *The Axis in Defeat* (Publ. 2423, 1945), pp. 11–15; 39 *Am. Jour. Int. Law* (Supp., 1945), pp. 248–51. For a Spanish translation, see 5 *Revista peruana de derecho internacional* (1945), p. 269.

F. A. Hermens, "Die wirtschaftliche Bedeutung der Potsdamer Beschlüsse," 1 *Aussenwirtschaft* (1946), pp. 49–65; B. G. Ivanyi and A. Bell, *Route to Potsdam* (London, 1945), 112 pp.; E. S. Mason, "Has Our Policy in Germany Failed?" 24 *Foreign Affairs* (1946), pp. 579–90; J. W. Riddleberger, "United States Policy on Treatment of Germany," 13 *U.S. Department of State Bulletin* (1945), pp. 841–49; U.S. Department of State, *Occupation of Germany, Policy and Progress, 1945–1946* (Publ. 2783, European Series, No. 23), 241 pp.; U.S. Office of Military Government for Germany, *A Year of Potsdam* (1946), 217 pp.

Entered into force August 1, 1945.

Text from *Br. Parl. Papers*, Misc. No. 6 (1947), Cmd. 7087, p. 4.

A.—Political Principles

1. In accordance with the Agreement on Control Machinery in Germany, supreme authority in Germany is exercised, on instructions from their respective Governments, by the Commanders-in-Chief of the armed forces of the United States of America, the United Kingdom, the Union of Soviet Socialist Republics and the French Republic, each in his own zone of occupation, and also jointly, in matters affecting Germany as a whole, in their capacity as members of the Control Council.

2. So far as is practicable, there shall be uniformity of treatment of

the German population throughout Germany.

3. The purposes of the occupation of Germany by which the Control Council shall be guided are—

(i) The complete disarmament and demilitarisation of Germany and the elimination or control of all German industry that could be used for military production. To these ends:

(a) All German land, naval and air forces, the S.S., S.A., S.D. and Gestapo, with all their organisations, staffs and institutions, including the General Staff, the Officers' Corps, Reserve Corps, military schools, war veterans' organisations and all other

military and semi-military organisations, together with all clubs and associations which serve to keep alive the military tradition in Germany, shall be completely and finally abolished in such manner as permanently to prevent the revival or reorganisation of German militarism and Nazism;

(b) All arms, ammunition and implements of war and all specialised facilities for their production shall be held at the disposal of the Allies or destroyed. The maintenance and production of all aircraft and all arms, ammunition and implements of war shall be prevented.

(ii) To convince the German people that they have suffered a total military defeat and that they cannot escape responsibility for what they have brought upon themselves, since their own ruthless warfare and the fanatical Nazi resistance have destroyed German economy and made chaos and suffering inevitable.

(iii) To destroy the National Socialist Party and its affiliated and supervised organisations, to dissolve all Nazi institutions, to ensure that they are not revived in any form, and to prevent all Nazi and militarist activity or propaganda.

(iv) To prepare for the eventual reconstruction of German political life on a democratic basis and for eventual peaceful co-operation in international life by Germany.

4. All Nazi laws which provided the basis of the Hitler régime or established discrimination on grounds of race, creed, or political opinion shall be abolished. No such discriminations, whether legal, administrative or otherwise, shall be tolerated.

5. War criminals and those who have participated in planning or carrying out Nazi enterprises involving or resulting in atrocities or war crimes shall be arrested and brought to judgment. Nazi leaders, influential Nazi supporters and high

officials of Nazi organisations and institutions and any other persons dangerous to the occupation or its objectives shall be arrested and interned.

6. All members of the Nazi party who have been more than nominal participants in its activities and all other persons hostile to Allied purposes shall be removed from public and semi-public office, and from positions of responsibility in important private undertakings. Such persons shall be replaced by persons who, by their political and moral qualities, are deemed capable of assisting in developing genuine democratic institutions in Germany.

7. German education shall be so controlled as completely to eliminate Nazi and militarist doctrines and to make possible the successful development of democratic ideas.

8. The judicial system will be reorganised in accordance with the principles of democracy, of justice under law, and of equal rights for all citizens without distinction of race, nationality or religion.

9. The administration in Germany should be directed towards the decentralisation of the political structure and the development of local responsibility. To this end:

(i) Local self-government shall be restored throughout Germany on democratic principles and in particular through elective councils as rapidly as is consistent with military security and the purposes of military occupation;

(ii) all democratic political parties with rights of assembly and of public discussion shall be allowed and encouraged throughout Germany;

(iii) representative and elective principles shall be introduced into regional, provincial and State (Land) administration as rapidly as may be justified by the successful application of these principles in local self-government;

(iv) for the time being, no central

German Government shall be established. Notwithstanding this, however, certain essential central German administrative departments, headed by State Secretaries, shall be established, particularly in the fields of finance, transport, communications, foreign trade and industry. Such departments will act under the direction of the Control Council.

10. Subject to the necessity for maintaining military security, freedom of speech, press and religion shall be permitted, and religious institutions shall be respected. Subject likewise to the maintenance of military security, the formation of free trade unions shall be permitted.

B.—Economic Principles

11. In order to eliminate Germany's war potential, the production of arms, ammunition and implements of war as well as all types of aircraft and sea-going ships shall be prohibited and prevented. Production of metals, chemicals, machinery and other items that are directly necessary to a war economy, shall be rigidly controlled and restricted to Germany's approved post-war peacetime needs to meet the objectives stated in paragraph 15. Productive capacity not needed for permitted production shall be removed in accordance with the reparations plan recommended by the Allied Commission on reparations and approved by the Governments concerned or, if not removed, shall be destroyed.

12. At the earliest practicable date, the German economy shall be decentralised for the purpose of eliminating the present excessive concentration of economic power as exemplified in particular by cartels, syndicates, trusts and other monopolistic arrangements.

13. In organising the German economy, primary emphasis shall be given to the development of agriculture and peaceful domestic industries.

14. During the period of occupation Germany shall be treated as a single economic unit. To this end common policies shall be established in regard to—

- (a) mining and industrial production and its allocation;
- (b) agriculture, forestry and fishing;
- (c) wages, prices and rationing;
- (d) import and export programmes for Germany as a whole;
- (e) currency and banking, central taxation and customs;
- (f) reparation and removal of industrial war potential;
- (g) transportation and communications.

In applying these policies account shall be taken, where appropriate, of varying local conditions.

15. Allied controls shall be imposed upon the German economy but only to the extent necessary—

- (a) to carry out programmes of industrial disarmament and demilitarisation, of reparations, and of approved exports and imports;
- (b) to assure the production and maintenance of goods and services required to meet the needs of the occupying forces and displaced persons in Germany and essential to maintain in Germany average living standards not exceeding the average of the standards of living of European countries. (European countries means all European countries excluding the United Kingdom and the Union of Soviet Socialist Republics);
- (c) to ensure in the manner determined by the Control Council the equitable distribution of essential commodities between the several zones so as to produce a balanced economy throughout Germany and reduce the need for imports;
- (d) to control German industry and all economic and financial international transactions, including exports and imports, with the aim of preventing Germany from develop-

ing a war potential and of achieving the other objectives named herein;

(e) to control all German public or private scientific bodies, research and experimental institutions, laboratories, &c., connected with economic activities.

16. In the imposition and maintenance of economic controls established by the Control Council, German administrative machinery shall be created and the German authorities shall be required to the fullest extent practicable to proclaim and assume administration of such controls. Thus it should be brought home to the German people that the responsibility for the administration of such controls and any breakdown in these controls will rest with themselves. Any German controls which may run counter to the objectives of occupation will be prohibited.

17. Measures shall be promptly taken—

(a) to effect essential repair of transport;

(b) to enlarge coal production;

(c) to maximise agricultural output;

(d) to effect emergency repair of housing and essential utilities.

18. Appropriate steps shall be taken by the Control Council to exercise control and the power of disposition over German-owned external assets not already under the control of United Nations which have taken part in the war against Germany.

19. Payment of reparations should leave enough resources to enable the German people to subsist without external assistance. In working out the economic balance of Germany the necessary means must be provided to pay for imports approved by the Control Council in Germany. The proceeds of exports from current production and stocks shall be available in the first place for payment for such imports.

The above clause will not apply to the equipment and products referred to in paragraphs 4 (a) and 4 (b) of the Reparations Agreement.

No. 658

AGREEMENT on German Reparations. Adopted at Berlin, August 1, 1945.

ACCORD sur les réparations allemandes. Adopté à Berlin, 1 août 1945.

EDITOR'S NOTE. A decision of the Yalta Conference of February 11, 1945, established a commission at Moscow to deal with "compensating damage caused by Germany to the allied countries." 12 *U.S. Department of State Bulletin* (1945), p. 214; *Br. Parl. Papers*, Misc. No. 5 (1945), Cmd. 6598. This Agreement was adopted at the Berlin (Potsdam) Conference of the heads of government of the United States, Great Britain, and the Soviet Union, July 17–August 2, 1945; for reports on this conference, see 13 *U.S. Department of State Bulletin* (1945), pp. 153–61, 208–13. For other agreements adopted at the conference, see Nos. 656–657, *ante*. In execution of paragraph 2 of this Agreement, a Polish-Soviet agreement was signed at Moscow, August 16, 1945, determining the Polish share of reparations. An agreement on reparation from Germany, on the establishment of an Inter-Allied Reparation Agency, and on the restitution of monetary gold was signed at Paris, January 14, 1946 (No. 658a, *post*). Several supplementary agreements were signed in the succeeding years (Nos. 658b–658d, *post*). On March 28, 1946, the Allied Control Council released a

"plan for reparations and the level of the post-war Germany economy." 14 *U.S. Department of State Bulletin* (1946), p. 636.

RATIFICATIONS. This Agreement was not subject to ratification.

BIBLIOGRAPHY. The text of this Agreement is also published in U.S. Department of State, *The Axis in Defeat* (Publ. 2423, 1945), p. 15; 39 *Am. Jour. Int. Law* (Supp., 1945), p. 251.

E. Borchard, "The Effect of War on Law," 40 *Am. Jour. Int. Law* (1946), pp. 620-23; H. V. R. Iyengar, "Reparations from Germany," 2 *India Quarterly* (1946), pp. 124-29; H. Laufenburger, "Quelques aspects du problème des réparations allemandes," 82 *Schweizerische Zeitschrift für Volkswirtschaft und Statistik* (1946), pp. 97-108; E. W. Pauley, "German Reparations," 13 *U.S. Department of State Bulletin* (1945), pp. 308-9; B. U. Ratchford and W. D. Ross, *Berlin Reparations Assignment* (Chapel Hill, 1947), 259 pp.; P. N. Rosenstein-Rodan, "How Much Can Germany Pay," 21 *International Affairs* (1945), pp. 469-76; U.S. Department of State, "The Reparation Settlement and the Peacetime Economy of Germany," 13 *U.S. Department of State Bulletin* (1945), pp. 960-65; ———, *United States Economic Policy Toward Germany* (Publ. 2630, European Series, No. 15), 149 pp. See also the bibliography under No. 658a, *post*.

Entered into force August 1, 1945.

Text from *Br. Parl. Papers*, Misc. No. 6 (1947), Cmd. 7087, p. 7.

1. Reparation claims of the U.S.S.R. shall be met by removals from the zone of Germany occupied by the U.S.S.R., and from appropriate German external assets.

2. The U.S.S.R. undertakes to settle the reparation claims of Poland from its own share of reparations.

3. The reparations claims of the United States, the United Kingdom and other countries entitled to reparations shall be met from the Western Zones and from appropriate German external assets.

4. In addition to the reparations to be taken by the U.S.S.R. from its own zone of occupation, the U.S.S.R. shall receive additionally from the Western Zones:

(a) 15 per cent. of such usable and complete industrial capital equipment, in the first place from the metallurgical, chemical and machine manufacturing industries, as is unnecessary for the German peace economy and should be removed from the Western Zones of Germany, in exchange for an equivalent value of food, coal, potash, zinc, timber, clay products, petroleum products, and such other commodities as may be agreed upon.

(b) 10 per cent. of such industrial capital equipment as is unnecessary for the German peace economy and should be removed from the Western Zones, to be transferred to the Soviet Government on reparations account without payment or exchange of any kind in return.

Removals of equipment as provided in (a) and (b) above shall be made simultaneously.

5. The amount of equipment to be removed from the Western Zones on account of reparations must be determined within six months from now at the latest.

6. Removals of industrial capital equipment shall begin as soon as possible and shall be completed within two years from the determination specified in paragraph 5. The delivery of products covered by 4 (a) above shall begin as soon as possible and shall be made by the U.S.S.R. in agreed instalments within five years of the date hereof. The determination of the amount and character of the industrial capital equipment unnecessary for the German peace economy and therefore available for reparations shall be made by the Control Council under policies fixed

by the Allied Commission on Reparations, with the participation of France, subject to the final approval of the Zone Commander in the Zone from which the equipment is to be removed.

7. Prior to the fixing of the total amount of equipment subject to removal, advance deliveries shall be made in respect of such equipment as will be determined to be eligible for delivery in accordance with the procedure set forth in the last sentence of paragraph 6.

8. The Soviet Government renounces all claims in respect of reparations to shares of German enter-

prises which are located in the Western Zones of occupation in Germany as well as to German foreign assets in all countries except those specified in paragraph 9 below.

9. The Governments of the United Kingdom and United States renounce all claims in respect of reparations to shares of German enterprises which are located in the Eastern Zone of occupation in Germany, as well as to German foreign assets in Bulgaria, Finland, Hungary, Rumania and Eastern Austria.

10. The Soviet Government makes no claims to gold captured by the Allied troops in Germany.

No. 658a

Agreement on Reparation from Germany. Opened for signature at Paris, January 14, 1946.

Accord concernant les réparations à recevoir de l'Allemagne. Ouvert à la signature à Paris, 14 janvier 1946.

EDITOR'S NOTE. This Agreement, designed to determine the shares under paragraph 3 of the Berlin agreement of August 1, 1945 (No. 658, *ante*), was prepared at the Inter-Allied Conference on Reparations, held at Paris, November 9–December 21, 1945, for the Final Act of the Conference, see *Br. Parl. Papers*, Misc. No. 1 (1946), Cmd. 6721, U.S. Department of State, *The Distribution of Reparation from Germany* (Publ. 2584, European Series, No. 12), p. 11. Agreements concerning German assets in neutral countries, envisaged in Article 6 (C) of this Agreement and in Resolution 1 of the Paris Conference, were concluded with Switzerland, Sweden, Italy, and Spain. 14 *U.S. Department of State Bulletin* (1946), p. 1121; *U.S. Treaties and Other International Acts Series*, Nos. 1657, 1664, and 1773. In execution of Article 8 of this Agreement, a special agreement was signed at Paris, June 14, 1946, allocating a reparation share to non-repatriable victims of German aggression (No. 658b, *post*). An agreement on German-owned patents was signed at London, July 27, 1946, and an agreement to resolve conflicting claims to German enemy assets was signed at Brussels, December 5, 1947 (Nos. 658c and 658d, *post*). On the activities of the Inter-Allied Reparations Agency, established at Brussels by Part II of the Agreement of January 14, 1946, see the Reports of the Secretary General of the Agency for 1946, 1947, and 1948; *La Documentation française: Notes et études documentaires*, Nos. 601, 893, and 1126. To implement Part III of the agreement of January 14, 1946, a Tripartite Commission for the Restitution of Monetary Gold was established at Brussels on September 27, 1946. 15 *U.S. Department of State Bulletin* (1946), p. 563; 51 France, *Journal officiel* (1948), p. 8238. A preliminary distribution of monetary gold was made by the Commission in October 1947. Austria, Italy, and Poland were allowed to participate in the distribution of gold by protocols of November 4 and December 16, 1947, and July 6, 1949. *U.S. Treaties and Other International Acts Series*, Nos. 1683 and 1707. The gold captured at Fortezza from the German

forces was turned over to Italy by the protocol of October 10, 1947. *Idem*, No. 1658. The Bank for International Settlements agreed on May 13, 1948, to transfer an amount of German gold to the Allied Powers. *Idem*, No. 1805. India's share of reparations was divided between the Dominions of India and Pakistan by the protocol of March 15, 1948, which also made Pakistan retroactively a signatory of the Agreement of January 14, 1946. *Idem*, No. 1797.

BIBLIOGRAPHY. The text of this Agreement is also published in *British Treaty Series*, No. 56 (1947), Cmd. 7173; 51 France, *Journal officiel* (1946), p. 2136; Belgium, *Bulletin usuel des lois et arrêtés*, 1948, p. 677. See also Canada, *Treaty Series*, 1945, No. 23.

Anon., "Réparations à recevoir de l'Allemagne," 64 *Moniteur officiel du commerce et de l'industrie* (1946), pp. 531-34; D. Ginsburg, *The Future of German Reparations* (Washington, 1947), 80 pp.; J. B. Howard, "The Paris Agreement on Reparations from Germany," 14 *U.S. Department of State Bulletin* (1946), pp. 1023-27; ———, "The Inter-Allied Reparation Agency," 14 *idem* (1946), pp. 1063-66; F. A. Mann, "German External Assets," 24 *British Year Book of International Law* (1947), pp. 239-57; K. H. Nadelmann, "Local Enemy Assets and the Paris Agreement on Reparations," 40 *Am. Jour. Int. Law* (1946), pp. 813-17; C. Parry, "The Inter-Allied Reparations Agency," 23 *British Year Book of International Law* (1946), pp. 485-88; J. Simsarian, "Rules for Accounting for German Assets in Countries Members of the Inter-Allied Reparations Agency," 18 *U.S. Department of State Bulletin* (1948), pp. 227-30; U.S. Department of State, "Status of German Reparations and Dismantling Program," 18 *idem* (1948), pp. 238-44. See also the bibliography under No. 658, *ante*.

Entered into force January 24, 1946.

Text from *U.S. Treaties and Other International Acts Series*, No. 1655.

The Governments of Albania, the United States of America, Australia, Belgium, Canada, Denmark, Egypt, France, the United Kingdom of Great Britain and Northern Ireland, Greece, India, Luxembourg, Norway, New-Zealand, the Netherlands, Czechoslovakia, the Union of South Africa and Yugoslavia, in order to obtain an equitable distribution among themselves of the total assets which, in accordance with the provisions of this Agreement and the provisions agreed upon at Potsdam on 1 August 1945 between the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics, are or may be declared to be available as reparation from Germany (hereinafter referred to as German reparation), in order to establish an Inter-Allied Reparation Agency, and to settle an equitable

Les Gouvernements de l'Albanie, des Etats-Unis d'Amérique, de l'Australie, de la Belgique, du Canada, du Danemark, de l'Egypte, de la France, du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, de la Grèce, de l'Inde, du Luxembourg, de la Norvège, de la Nouvelle-Zélande, des Pays-Bas, de la Tchécoslovaquie, de l'Union de l'Afrique du Sud et de la Yougoslavie, en vue de répartir équitablement entre eux le total des biens qui, conformément aux dispositions du présent Accord et aux dispositions convenues à Potsdam, le 1^{er} août 1945, entre les Gouvernements des Etats-Unis d'Amérique, du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, et de l'Union des Républiques Socialistes Soviétiques, sont ou seront déclarés disponibles au titre des réparations à recevoir de l'Allemagne (ci-après dénommées "réparations allemandes"), en vue de créer une

procedure for the restitution of monetary gold,

Agence Interalliée des Réparations et en vue d'établir une procédure équitable pour la restitution de l'or monétaire,

Have agreed as follows:

Sont convenus de ce qui suit:

PART I

GERMAN REPARATION

ARTICLE I.—*Shares in Reparation*

A. German reparation (exclusive of the funds to be allocated under Article 8 of Part I of this Agreement), shall be divided into the following categories:

Category A, which shall include all forms of German reparation except those included in *Category B*;

Category B, which shall include industrial and other capital equipment removed from Germany, and merchant ships and inland water transport.

B. Each Signatory Government shall be entitled to the percentage share of the total value of *Category A* and the percentage share of the total value of *Category B* set out for that Government in the Table of Shares set forth below:¹

C. Subject to the provisions of paragraph D below, each Signatory Government shall be entitled to receive its share of merchant ships determined in accordance with Article 5 of Part I of this Agreement, provided that its receipts of merchant ships do not exceed in value its share in *Category B* as a whole.

Subject to the provisions of paragraph D below, each Signatory Government shall also be entitled to its *Category A* percentage share in

PARTIE I

RÉPARATIONS ALLEMANDES

ARTICLE I.—*Quotes-parts de réparations*

A. Les réparations allemandes (à l'exception des fonds qui doivent être alloués aux termes de l'article 8 de la Partie I du présent Accord) sont divisées en catégories de la façon suivante:

Catégorie A, comprenant toutes les formes de réparations allemandes à l'exception de celles comprises dans la catégorie *B*;

Catégorie B, comprenant tout l'outillage industriel et autres biens d'équipement en capital enlevés d'Allemagne, ainsi que les navires marchands et les bateaux de navigation intérieure.

B. Chaque Gouvernement signataire a droit, sur la valeur totale des biens de la catégorie *A*, ainsi que sur la valeur totale des biens de la catégorie *B*, aux pourcentages indiqués pour chacune de ces catégories dans les colonnes correspondantes du tableau ci-après:

C. Sous réserve des dispositions du paragraphe D ci-dessous, chaque Gouvernement signataire a le droit de recevoir, sur l'ensemble des navires marchands, une part déterminée conformément aux dispositions de l'article 5 de la Partie I du présent Accord, à condition que la valeur des navires marchands qui lui sont attribués n'excède pas la valeur de la quote-part à laquelle il a droit dans l'ensemble des biens de la catégorie *B*.

Sous réserve des dispositions du paragraphe D ci-dessous, chaque Gouvernement signataire a également le droit de recevoir une part,

¹ See page 588.—ED.

TABLE OF SHARES

Country	Category A	Category B
Albania.....	.05	.35
United States of America	28.00	11.80
Australia.....	.70	.95
Belgium.....	2.70	4.50
Canada.....	3.50	1.50
Denmark.....	.25	.35
Egypt.....	.05	.20
France.....	16.00	22.80
United Kingdom.....	28.00	27.80
Greece.....	2.70	4.35
India.....	2.00	2.90
Luxembourg.....	.15	.40
Norway.....	1.30	1.90
New Zealand.....	.40	.60
Netherlands.....	3.90	5.60
Czechoslovakia.....	3.00	4.30
Union of South Africa (1)	.70	.10
Yugoslavia.....	6.60	9.60
Total.....	100.00	100.00

(1) The Government of the Union of South Africa has undertaken to waive its claims to the extent necessary to reduce its percentage share of category B to the figure of 0.1 per cent but is entitled, in disposing of German enemy assets within its jurisdiction, to charge the net value of such assets against its percentage share of category A and a percentage share under category B of 1.0 per cent.

German assets in countries which remained neutral in the war against Germany.

The distribution among the Signatory Governments of forms of German reparation other than merchant ships, inland water transport and German assets in countries which remained neutral in the war against Germany shall be guided by the principles set forth in Article 4 of Part I of this Agreement.

D. If a Signatory Government receives more than its percentage share of certain types of assets in either Category A or Category B, its receipts of other types of assets in that Category shall be reduced so as to ensure that it shall not receive

TABLEAU DES PARTS

Pays	Catégorie A	Catégorie B
Albanie.....	0,05	0,35
Etats-Unis d'Amérique	28,00	11,80
Australie.....	0,70	0,95
Belgique.....	2,70	4,50
Canada.....	3,50	1,50
Danemark.....	0,25	0,35
Egypte.....	0,05	0,20
France.....	16,00	22,80
Royaume-Uni.....	28,00	27,80
Grèce.....	2,70	4,35
Inde.....	2,00	2,90
Luxembourg.....	0,15	0,40
Norvège.....	1,30	1,90
Nouvelle-Zélande.....	0,40	0,60
Pays-Bas.....	3,90	5,60
Tchécoslovaquie.....	3,00	4,30
Union de l'Afrique du Sud (1).....	0,70	0,10
Yugoslavie.....	6,60	9,60
Total.....	100,00	100,00

(1) Le Gouvernement de l'Afrique du Sud s'est engagé à renoncer à ses droits dans la mesure qui sera nécessaire pour ramener sa quote-part dans la catégorie B à 0.1 p. 100, mais ce Gouvernement aura le droit, lorsqu'il disposera des avoirs allemands de caractère ennemi se trouvant dans les territoires soumis à sa juridiction, d'imputer le montant de la valeur nette de ces avoirs sur sa quote-part dans la catégorie A et sur une quote-part de 1 p. 100 dans la catégorie B.

correspondant à ses droits dans l'ensemble des biens de la catégorie A, des avoirs allemands situés dans les pays qui sont demeurés neutres dans la guerre contre l'Allemagne.

La répartition entre les Gouvernements signataires des biens disponibles au titre des réparations allemandes, autres que les navires marchands, les bateaux de navigation intérieure et les avoirs allemands situés dans les pays qui sont demeurés neutres dans la guerre contre l'Allemagne, sera conforme aux principes énoncés à l'Article 4 de la Partie I du présent Accord.

D. Si un Gouvernement signataire reçoit une part supérieure à son pourcentage de certains types de biens ressortissant soit à la catégorie A, soit à la catégorie B, ses droits sur d'autres types de biens de la même catégorie seront réduits de telle sorte

more than its share in that Category as a whole.

E. No Signatory Government shall receive more than its percentage share of either Category A or Category B as a whole by surrendering any part of its percentage share of the other Category, except that with respect to German enemy assets within its own jurisdiction, any Signatory Government shall be permitted to charge any excess of such assets over its Category A percentage share of total German enemy assets within the jurisdiction of the Signatory Governments either to its receipts in Category A or to its receipts in Category B or in part to each Category.

F. The Inter-Allied Reparation Agency, to be established in accordance with Part II of this Agreement, shall charge the reparation account of each Signatory Government for the German assets within that Government's jurisdiction over a period of five years. The charges at the date of the entry into force of this Agreement shall be not less than 20 per cent of the net value of such assets (as defined in Article 6 of Part I of this Agreement) as then estimated, at the beginning of the second year thereafter not less than 25 per cent of the balance as then estimated, at the beginning of the third year not less than $33\frac{1}{3}$ per cent of the balance as then estimated, at the beginning of the fourth year not less than 50 per cent of the balance as then estimated, at the beginning of the fifth year not less than 90 per cent of the balance as then estimated, and at the end of the

que ce Gouvernement ne reçoive pas au total une part supérieure à ses droits dans l'ensemble des biens de cette catégorie.

E. Aucun Gouvernement signataire ne peut recevoir une part supérieure à ses droits, soit dans l'ensemble des biens de la catégorie A, soit dans l'ensemble des biens de la catégorie B, en renonçant à une fraction quelconque de sa quote-part dans l'ensemble des biens de l'autre catégorie; toutefois, en ce qui concerne les avoirs allemands de caractère ennemi soumis à la juridiction d'un Gouvernement signataire, ce Gouvernement a le droit d'imputer, soit sur les biens à recevoir de la catégorie A, soit sur les biens à recevoir de la catégorie B, soit pour partie sur les biens de l'une et l'autre catégories, l'excès de tels avoirs sur sa quote-part de l'ensemble des avoirs allemands de caractère ennemi soumis à la juridiction des Gouvernements signataires, telle qu'elle est fixée pour l'ensemble des biens de la catégorie A.

F. L'Agence Interalliée des Réparations, qui doit être instituée conformément à la Partie II du présent Accord, débitera le compte réparations de chacun des Gouvernements signataires des avoirs allemands soumis à sa juridiction, en répartissant les débits sur une période de cinq ans. Les débits portés en compte à la date de l'entrée en vigueur du présent Accord ne doivent pas être inférieurs à 20 p. 100 de la valeur nette de ces avoirs (définie à l'article 6 de la Partie I du présent Accord), selon l'estimation qui en sera faite à cette date; au début de la deuxième année, ils ne devront pas être inférieurs à $33\frac{1}{3}$ p. 100 du solde, selon l'estimation qui en sera faite à cette date; au début de la quatrième année, ils ne devront pas être inférieurs à 50 p. 100 du solde, selon l'estimation qui en sera faite à cette date; au début de la cinquième année, ils ne devront pas être inférieurs à 90 p.

fifth year the entire remainder of the total amount actually realized.

G. The following exceptions to paragraphs D and E above shall apply in the case of a Signatory Government whose share in Category B is less than its share in Category A:

(i) Receipts of merchant ships by any such Government shall not reduce its percentage share in other types of assets in Category B, except to the extent that such receipts exceed the value obtained when that Government's Category A percentage is applied to the total value of merchant ships.

(ii) Any excess of German assets within the jurisdiction of such Government over its Category A percentage share of the total of German assets within the jurisdiction of Signatory Governments as a whole shall be charged first to the additional share in Category B to which that Government would be entitled if its share in Category B were determined by applying its Category A percentage to the forms of German reparation in Category B.

H. If any Signatory Government renounces its shares or part of its shares in German reparation as set out in the above Table of Shares, or if it withdraws from the Inter-Allied Reparation Agency at a time when all or part of its shares in German reparation remain unsatisfied, the shares or part thereof thus renounced or remaining shall be distributed

100 du solde, selon l'estimation qui en sera faite à cette date et, à la fin de la cinquième année, ils seront égaux au solde du montant total effectivement réalisé.

G. Les dérogations suivantes aux dispositions des paragraphes D et E ci-dessus sont applicables au cas d'un Gouvernement signataire, dont les droits dans l'ensemble des biens de la catégorie B sont inférieurs aux droits dans l'ensemble des biens de la catégorie A:

i) L'attribution de navires marchands à un Gouvernement se trouvant dans cette situation ne doit pas réduire ses droits sur d'autres types de biens de la catégorie B, sauf dans la mesure où de telles attributions dépassent en valeur le chiffre obtenu en appliquant à la valeur totale des navires marchands le pourcentage auquel a droit ce Gouvernement dans l'ensemble des biens de la catégorie A.

ii) Si la valeur des avoirs allemands soumis à la juridiction d'un Gouvernement se trouvant dans la même situation excède sa quote-part dans l'ensemble des avoirs allemands soumis à la juridiction des Gouvernements signataires, telle qu'elle résulte du pourcentage qui lui est attribué dans l'ensemble des biens de la catégorie A, la différence sera imputée en premier lieu sur la fraction additionnelle du pourcentage auquel ce Gouvernement aurait droit dans l'ensemble des biens de la catégorie B, si l'on appliquait le pourcentage auquel il a droit dans l'ensemble des biens de la catégorie A aux formes de réparations prévues dans la catégorie B.

H. Si un Gouvernement signataire renonce à la totalité ou à une fraction de ses droits dans l'ensemble des réparations allemandes, tels qu'ils sont indiqués au Tableau des parts ci-dessus, ou si ledit Gouvernement se retire de l'Agence Interalliée des Réparations à une époque où tout ou partie de ses droits dans les réparations allemandes n'ont pas été

rateably among the other Signatory Governments.

ARTICLE 2.—*Settlement of Claims against Germany*

A. The Signatory Governments agree among themselves that their respective shares of reparation, as determined by the present Agreement, shall be regarded by each of them as covering all its claims and those of its nationals against the former German Government and its Agencies, of a governmental or private nature, arising out of the war (which are not otherwise provided for), including costs of German occupation, credits acquired during occupation on clearing accounts and claims against the Reichskreditkassen.

B. The provisions of paragraph A above are without prejudice to:

(i) the determination at the proper time of the forms, duration or total amount of reparation to be made by Germany;

(ii) the right which each Signatory Government may have with respect to the final settlement of German reparation; and

(iii) any political, territorial or other demands which any Signatory Government may put forward with respect to the peace settlement with Germany.

C. Notwithstanding anything in the provisions of paragraph A above, the present Agreement shall not be considered as affecting:

(i) the obligation of the appropriate authorities in Germany to secure at a future date the discharge of claims against Germany and German nationals arising out of contracts and other obligations entered into, and rights acquired, before the

couverts, la part ou fraction de part à laquelle il renonce, ou qui lui reste due au moment de son retrait, sera répartie entre les autres Gouvernements signataires au prorata de leurs propres pourcentages.

ARTICLE 2.—*Règlement des créances sur l'Allemagne*

A. Les Gouvernements signataires conviennent entre eux que leurs quotes-parts respectives de réparations, telles qu'elles sont fixées par le présent Accord, doivent être considérées par chacun d'eux comme couvrant toutes ses créances et celles de ses ressortissants sur l'ancien Gouvernement allemand et les Agences gouvernementales allemandes, créances qui ne font pas expressément l'objet d'autres dispositions, créances de caractère public ou privé, issues de la guerre, y compris le coût de l'occupation allemande, les avoirs en compte de clearing acquis pendant l'occupation et les créances sur les Reichskreditkassen.

B. Les dispositions du paragraphe A ci-dessus ne préjugent pas:

i) La détermination, en temps utile, des formes, de la durée ou du montant total des réparations à effectuer par l'Allemagne;

ii) Le droit que chacun des Gouvernements signataires peut avoir en ce qui concerne le règlement définitif des réparations allemandes;

iii) Toutes revendications d'ordre politique, territorial ou autre, qu'un Gouvernement signataire pourra présenter à propos du règlement de la Paix avec l'Allemagne.

C. Nonobstant les dispositions du paragraphe A ci-dessus, le présent Accord doit être considéré comme n'affectant pas:

i) L'obligation qui incombe aux Autorités allemandes compétentes d'assurer ultérieurement le paiement des dettes de l'Allemagne et de ses ressortissants, résultant de contrats et autres obligations qui étaient en vigueur, ainsi que de droits qui

existence of a state of war between Germany and the Signatory Government concerned or before the occupation of its territory by Germany, whichever was earlier;

(ii) the claims of Social Insurance Agencies of the Signatory Governments or the claims of their nationals against the Social Insurance Agencies of the former German Government; and

(iii) banknotes of the Reichsbank and the Rentenbank, it being understood that their realization shall not have the result of reducing improperly the amount of reparation and shall not be effected without the approval of the Control Council for Germany.

D. Notwithstanding the provisions of Paragraph A of this Article, the Signatory Governments agree that, so far as they are concerned, the Czechoslovak Government will be entitled to draw upon the Giro account of the National Bank of Czechoslovakia at the Reichsbank, should such action be decided upon by the Czechoslovak Government and approved by the Control Council for Germany, in connection with the movement from Czechoslovakia to Germany of former Czechoslovak nationals.

ARTICLE 3.—*Waiver of Claims Regarding Property Allocated as Reparation*

Each of the Signatory Governments agrees that it will not assert, initiate actions in international tribunals in respect of, or give diplomatic support to claims on behalf of itself or those persons entitled to its protection against any other Signatory Government or its nationals in respect of property received by that Government as reparation with the approval of the Control Council for Germany.

étaient acquis, avant que l'état de guerre existât entre l'Allemagne et le Gouvernement signataire intéressé ou avant l'occupation par l'Allemagne du pays intéressé, selon que l'un ou l'autre événement est survenu le plus tôt;

ii) Les créances d'institutions d'Assurances sociales des Gouvernements signataires ou de leurs ressortissants sur les institutions d'assurances sociales de l'ancien Gouvernement allemand;

iii) Les billets de banque de la Reichsbank et de la Rentenbank, étant entendu que leur réalisation ne peut avoir pour conséquence de diminuer indûment la masse des réparations et ne pourra s'effectuer qu'avec l'accord du Conseil de Contrôle en Allemagne.

D. Nonobstant les dispositions du paragraphe A du présent article, les Gouvernements signataires conviennent, pour autant que la question les concerne, que le Gouvernement tchécoslovaque sera habilité à tirer sur le compte Giro de la Banque nationale de Tchécoslovaquie à la Reichsbank, dans le cas où telle mesure serait décidée par le Gouvernement tchécoslovaque et approuvée par le Conseil de Contrôle en Allemagne, en rapport avec le mouvement de Tchécoslovaquie vers l'Allemagne d'anciens ressortissants tchécoslovaques.

ARTICLE 3.—*Renonciation aux créances sur les biens attribués au titre des réparations*

Chacun des Gouvernements signataires s'engage à ne pas faire valoir, ni porter devant des tribunaux internationaux, ni soutenir par une action diplomatique des réclamations présentées en son nom ou au nom de personnes ayant droit à sa protection, contre tout autre Gouvernement signataire ou ses ressortissants, relatives à des biens reçus par ce Gouvernement au titre des réparations avec l'approbation du Conseil de Contrôle en Allemagne.

ARTICLE 4.—General Principles for the Allocation of Industrial and other Capital Equipment

A. No Signatory Government shall request the allocation to it as reparation of any industrial or other capital equipment removed from Germany except for use in its own territory or for use by its own nationals outside its own territory.

B. In submitting requests to the Inter-Allied Reparation Agency, the Signatory Governments should endeavour to submit comprehensive programs of requests for related groups of items, rather than requests for isolated items or small groups of items. It is recognized that the work of the Secretariat of the Agency will be more effective, the more comprehensive the programs which Signatory Governments submit to it.

C. In the allocation by the Inter-Allied Reparation Agency of items declared available for reparation (other than merchant ships, inland water transport and German assets in countries which remained neutral in the war against Germany), the following general principles shall serve as guides:

(i) Any item or related group of items in which a claimant country has a substantial prewar financial interest shall be allocated to that country if it so desires. Where two or more claimants have such substantial interests in a particular item or group of items, the criteria stated below shall guide the allocation:

(ii) If the allocation between competing claimants is not determined by paragraph (i), attention shall be given, among other relevant

ARTICLE 4.—Principes généraux pour la répartition de l'outillage industriel ou d'autres biens d'équipement en capital

A. Aucun Gouvernement signataire ne devra demander l'attribution, dans sa part de réparations, d'outillage industriel ou d'autres biens d'équipement en capital élevés d'Allemagne si ce n'est aux fins d'utilisation sur son propre territoire, ou, en dehors de son territoire, par ses propres nationaux.

B. En soumettant leurs demandes à l'Agence Interalliée des Réparations, les Gouvernements signataires s'efforceront de présenter des programmes d'ensemble comprenant des groupes de biens connexes plutôt que des demandes visant des biens isolés ou de petits groupes de biens. Il est reconnu que l'activité du Secrétariat de l'Agence sera d'autant plus efficace que les programmes que lui présenteront les Gouvernements signataires auront davantage le caractère de programmes d'ensemble.

C. Pour l'attribution des biens déclarés disponibles pour les réparations, autres que les navires marchands, les bateaux de navigation intérieure et les avoirs allemands dans les pays qui sont demeurés neutres au cours de la guerre contre l'Allemagne, l'Agence Interalliée des Réparations s'inspirera des principes généraux suivants:

i) Tout bien ou groupe de biens connexes, dans lesquels un pays demandeur possède des intérêts financiers substantiels antérieurs à la guerre, doit être attribué à ce pays, s'il le désire. Dans le cas où deux ou plusieurs pays possèdent des intérêts substantiels de cette nature, dans un bien ou un groupe de biens définis, l'attribution doit se faire en tenant compte des critères énoncés ci-après:

ii) Dans le cas de demandes concurrentes, si l'attribution n'est pas déterminée par les dispositions du paragraphe i), il sera fait état, entre

factors, to the following considerations:

a. The urgency of each claimant country's needs for the items or item to rehabilitate, reconstruct or restore to full activity the claimant country's economy;

b. The extent to which the item or items would replace property which was destroyed, damaged or looted in the war, or requires replacement because of excessive wear in war production, and which is important to the claimant country's economy;

c. The relation of the item or items to the general pattern of the claimant country's prewar economic life and to programs for its postwar economic adjustment or development;

d. The requirements of countries whose reparation shares are small but which are in need of certain specific items or categories of items.

(iii) In making allocations a reasonable balance shall be maintained among the rates at which the reparation shares of the several claimant Governments are satisfied, subject to such temporary exceptions as are justified by the considerations under paragraph (ii) (*a*) above.

ARTICLE 5.—General Principles for the Allocation of Merchant Ships and Inland Water Transport

A. (i) German merchant ships available for distribution as reparation among the Signatory Governments shall be distributed among them in proportion to the respective over-all losses of merchant shipping, on a gross tonnage basis, of the Signatory Governments and their na-

autres facteurs pertinents, des considérations suivantes:

a. Le degré d'urgence du besoin qu'a chaque pays demandeur de disposer du bien ou des biens disponibles pour remettre en état, reconstruire ou d'une manière générale restaurer son économie nationale dans sa pleine activité;

b. La mesure dans laquelle le bien, ou les biens remplaceraient des biens détruits, endommagés ou ayant fait l'objet de spoliations pendant la guerre, ou des biens qui doivent être remplacés à la suite d'usure anormale due à la production du temps de guerre, et qui sont susceptibles de jouer un rôle important dans l'économie du pays demandeur;

c. Le rôle du bien ou des biens dont il s'agit dans le cadre général de l'économie d'avant-guerre du pays demandeur et dans les programmes établis en vue de l'ajustement et du développement de son économie d'après-guerre;

d. Les demandes des pays dont les quotes-parts de réparations sont faibles, mais qui ont besoin de certains biens ou catégories de biens nettement déterminés;

(iii) Les programmes d'attribution devront conserver un équilibre raisonnable entre les différents ayants droit en ce qui concerne la fraction déjà satisfaite de leurs quotes-parts respectives, sous réserve des exceptions temporaires qui peuvent se justifier par les considérations du paragraphe ii) *a*) ci-dessus.

ARTICLE 5.—Principes généraux pour la répartition des navires marchands et des bateaux de navigation intérieure

A. (i) Les navires de commerce allemands disponibles pour répartition au titre des réparations entre les Gouvernements signataires seront répartis entre ceux-ci au prorata des pertes globales respectives de navires marchands, calculées en prenant comme base le tonnage brut, que les

tionals through acts of war. It is recognized that transfers of merchant ships by the United Kingdom and United States Governments to other Governments are subject to such final approvals by the legislatures of the United Kingdom and United States of America as may be required.

(ii) A special committee, composed of representatives of the Signatory Governments, shall be appointed by the Assembly of the Inter-Allied Reparation Agency to make recommendations concerning the determination of such losses and the allocation of German merchant ships available for distribution.

(iii) The value of German merchant ships for reparation accounting purposes shall be the value determined by the Tri-partite Merchant Marine Commission in terms of 1938 prices in Germany plus 15 per cent, with an allowance for depreciation.

B. Recognizing that some countries have special need for inland water transport, the distribution of inland water transport shall be dealt with by a special committee appointed by the Assembly of the Inter-Allied Reparation Agency in the event that inland water transport becomes available at a future time as reparation for the Signatory Governments.

The valuation of inland water transport will be made on the basis adopted for the valuation of merchant ships or on an equitable basis in relation to that adopted for merchant ships.

ARTICLE 6.—*German External Assets*

A. Each Signatory Government shall, under such procedures as it may choose, hold or dispose of German enemy assets within its jurisdic-

Gouvernements signataires et leurs ressortissants ont subies par suite de faits de guerre. Il est reconnu que la cession de navires de commerce par les Gouvernements des Etats-Unis d'Amérique et du Royaume-Uni à d'autres Gouvernements est effective sous réserve de telle approbation définitive par les organes législatifs de ces deux pays qui pourrait être nécessaire.

ii) Un Comité spécial, composé de représentants des Gouvernements signataires, sera constitué par l'Assemblée de l'Agence Interalliée des Réparations pour présenter des recommandations au sujet de la détermination de ces pertes et de l'attribution des navires de commerce allemands disponibles pour répartition.

iii) La valeur des navires de commerce allemands portée dans les comptes de réparations sera la valeur fixée par la Commission tripartite de la Marine marchande sur la base des prix de 1938 en Allemagne, majorée de 15 p. 100 et avec application d'un coefficient de dépréciation.

B. En raison du fait reconnu que certains pays ont particulièrement besoin de bateaux de navigation intérieure, la répartition de ces bateaux sera confiée à un Comité spécial constitué par l'Assemblée de l'Agence Interalliée des Réparations dans les cas où des bateaux de navigation intérieure deviendraient disponibles ultérieurement au titre des réparations pour les Gouvernements signataires. L'évaluation des bateaux de navigation intérieure sera faite sur la base adoptée pour la marine marchande ou sur une base équitable en rapport avec elle.

ARTICLE 6.—*Avoirs allemands à l'étranger*

A. Chacun des Gouvernements signataires, par les méthodes de son choix, retiendra les avoirs allemands ennemis se trouvant dans les terri-

tion in manners designed to preclude their return to German ownership or control and shall charge against its reparation share such assets (net of accrued taxes, liens, expenses of administration, other *in rem* charges against specific items and legitimate contract claims against the German former owners of such assets).

B. The Signatory Governments shall give to the Inter-Allied Reparation Agency all information for which it asks as to the value of such assets and the amounts realized from time to time by their liquidation.

C. German assets in those countries which remained neutral in the war against Germany shall be removed from German ownership or control and liquidated or disposed of in accordance with the authority of France, the United Kingdom and the United States of America, pursuant to arrangements to be negotiated with the neutrals by these countries. The net proceeds of liquidation or disposition shall be made available to the Inter-Allied Reparation Agency for distribution on reparation account.

D. In applying the provisions of paragraph A above, assets which were the property of a country which is a member of the United Nations or its nationals who were not nationals of Germany at the time of the occupation or annexation of this country by Germany, or of its entry into war, shall not be charged to its reparation account. It is understood that this provision in no way prejudices any questions which may arise as regards assets which were not the property of a national of the country concerned at the time of the latter's occupation or annexa-

toires soumis à sa juridiction, ou en disposera, de telle manière qu'ils ne puissent redevenir propriété allemande ou retomber sous contrôle allemand, et imputera sur sa quote-part de réparations les avoirs dont il s'agit (nets d'impôts arriérés, privilèges et frais de gestion, et libres de toutes autres charges *in rem* grevant des éléments déterminés de ces avoirs ainsi que de tous droits contractuels légitimes à l'égard des anciens propriétaires allemands de ces avoirs).

B. Les Gouvernements signataires communiqueront à l'Agence Interalliée des Réparations toutes les informations que celle-ci demandera sur le montant de ces avoirs et sur les produits périodiquement réalisés par la liquidation desdits avoirs.

C. La propriété ou le contrôle des avoirs allemands se trouvant dans les pays restés neutres pendant la guerre contre l'Allemagne sera retiré à l'Allemagne. Ces avoirs seront liquidés ou il en sera disposé, conformément aux décisions que peuvent prendre les Etats-Unis d'Amérique, la France et le Royaume-Uni, en exécution d'accords que ces Puissances négocieront avec les pays neutres; le produit net de la liquidation ou des actes de disposition de ces avoirs sera mis à la disposition de l'Agence Interalliée des Réparations pour être réparti au titre des réparations.

D. Dans l'application des dispositions du paragraphe A ci-dessus, les avoirs qui étaient la propriété d'un pays membre des Nations Unies ou d'une personne ressortissant de ce pays et non de l'Allemagne au moment de l'annexion ou de l'occupation de ce pays par l'Allemagne ou de son entrée en guerre, ne seront pas imputés à son compte de réparations, étant entendu que la disposition qui précède ne préjuge aucune des questions qui pourraient se poser au sujet d'avoirs qui n'étaient pas la propriété d'un ressortissant du pays en question au moment de l'annexion

tion by Germany or of its entry into war.

E. The German enemy assets to be charged against reparation shares shall include assets which are in reality German enemy assets, despite the fact that the nominal owner of such assets is not a German enemy.

Each Signatory Government shall enact legislation or take other appropriate steps, if it has not already done so, to render null and void all transfers made, after the occupation of its territory or its entry into war, for the fraudulent purpose of cloaking German enemy interests, and thus saving them harmless from the effect of control measures regarding German enemy interests.

F. The Assembly of the Inter-Allied Reparation Agency shall set up a Committee of Experts in matters of enemy property custodianship in order to overcome practical difficulties of law and interpretation which may arise. The Committee should in particular guard against schemes which might result in effecting fictitious or other transactions designed to favour enemy interests, or to reduce improperly the amount of assets which might be allocated to reparation.

ARTICLE 7.—*Captured Supplies*

The value of supplies and other materials susceptible of civilian use captured from the German Armed Forces in areas outside Germany and delivered to Signatory Governments shall be charged against their reparation shares in so far as such supplies and materials have not been or are not, in the future either paid for or delivered under arrangements precluding any charge.

ou de l'occupation de ce pays par l'Allemagne ou de son entrée en guerre.

E. Les avoirs allemands de caractère ennemi à imputer sur les quotes-parts de réparations devront inclure les avoirs qui sont en réalité des avoirs allemands de caractère ennemi, même si le propriétaire apparent de tels avoirs n'est pas un Allemand de caractère ennemi.

Chaque Gouvernement signataire, si ce n'est déjà fait, devra promulguer des textes législatifs et prendre toutes autres mesures appropriées pour annuler tous les transferts effectués après l'occupation de son territoire ou son entrée en guerre, dans l'intention frauduleuse de dissimuler des intérêts allemands de caractère ennemi et de les soustraire aux effets des mesures de contrôle sur les intérêts allemands de caractère ennemi.

F. L'Assemblée de l'Agence Interalliée des Réparations constituera un Comité d'Experts en matière de séquestre de biens ennemis en vue de résoudre les difficultés pratiques de droit et d'interprétation qui pourraient surgir. Le Comité devra veiller notamment à éviter tout ce qui pourrait avoir pour résultat le maintien de transactions fictives ou autres, destinées soit à favoriser des intérêts ennemis, soit à diminuer indûment la masse des biens susceptible d'être affectée aux réparations.

ARTICLE 7.—*Approvisionnement capturés*

La valeur des approvisionnements et autres matériels susceptibles de servir à des usages civils, pris aux forces armées allemandes hors d'Allemagne et remis à des Gouvernements signataires, sera imputée sur leurs parts de réparations pour autant que ces approvisionnements et ces matériels n'aient pas été payés, ou bien remis en vertu d'autres arrangements ne prévoyant pas de contre-partie.

It is recognized that transfers of such supplies and materials by the United Kingdom and United States Governments to other Governments are agreed to be subject to such final approval by the legislature of the United Kingdom or the United States of America as may be required.

ARTICLE 8.—Allocation of a Reparation Share to Nonrepatriable Victims of German Action

In recognition of the fact that large numbers of persons have suffered heavily at the hands of the Nazis and now stand in dire need of aid to promote their rehabilitation but will be unable to claim the assistance of any Government receiving reparation from Germany, the Governments of the United States of America, France, the United Kingdom, Czechoslovakia and Yugoslavia, in consultation with the Inter-Governmental Committee on Refugees, shall as soon as possible work out in common agreement a plan on the following general lines:

A. A share of reparation consisting of all the non-monetary gold found by the Allied Armed Forces in Germany and in addition a sum not exceeding 25 million dollars shall be allocated for the rehabilitation and resettlement of non-repatriable victims of German action.

B. The sum of 25 million dollars shall be met from a portion of the proceeds of German assets in neutral countries which are available for reparation.

C. Governments of neutral countries shall be requested to make available for this purpose (in addition to the sum of 25 million dollars) assets in such countries of victims of Nazi action who have since died and left no heirs.

Il est reconnu que les transferts de tels matériels et approvisionnements par les Gouvernements des Etats-Unis d'Amérique et du Royaume-Uni à d'autres Gouvernements sont soumis à telle approbation définitive par les organes législatifs de ces deux pays qui pourrait être nécessaire.

ARTICLE 8.—Attribution d'une part des réparations aux victimes non rapatriables de l'action allemande

Etant donné qu'un grand nombre de personnes ont souffert cruellement du fait des nazis et ont actuellement un besoin impérieux d'être aidées pour leur "réhabilitation", mais ne peuvent demander l'assistance d'aucun Gouvernement recevant des réparations de l'Allemagne, les Gouvernements des Etats-Unis d'Amérique, de la France, du Royaume-Uni, de la Tchécoslovaquie et de la Yougoslavie, en consultation avec le Comité Intergouvernemental des Réfugiés, établiront d'urgence un plan, agréé d'un commun accord, et ce sur les bases générales suivantes:

A. Une part des réparations, constituée par l'ensemble de l'or non monétaire trouvé en Allemagne par les forces armées alliées et par une somme complémentaire n'excédant pas 25 millions de dollars, sera affectée à la "réhabilitation" et au rétablissement des victimes non rapatriables de l'action allemande.

B. Cette somme de 25 millions de dollars sera prélevée sur le produit de la liquidation des avoirs allemands se trouvant dans les pays neutres et disponibles pour les réparations.

C. Les Gouvernements des pays neutres seront priés de rendre disponibles à cette fin (en sus de la somme de 25 millions de dollars), les avoirs dans les dits pays appartenant à des victimes d'actes des nazis qui sont mortes depuis sans laisser d'héritiers.

D. The persons eligible for aid under the plan in question shall be restricted to true victims of Nazi persecution and to their immediate families and dependents, in the following classes:

(i) Refugees from Nazi Germany or Austria who require aid and cannot be returned to their countries within a reasonable time because of prevailing conditions;

(ii) German and Austrian nationals now resident in Germany or Austria in exceptional cases in which it is reasonable on grounds of humanity to assist such persons to emigrate and providing they emigrate to other countries within a reasonable period;

(iii) Nationals of countries formerly occupied by the Germans who cannot be repatriated or are not in a position to be repatriated within a reasonable time. In order to concentrate aid on the most needy and deserving refugees and to exclude persons whose loyalty to the United Nations is or was doubtful, aid shall be restricted to nationals or former nationals of previously occupied countries who were victims of German concentration camps or of concentration camps established by regimes under Nazi influence but not including persons who have been confined only in prisoners of war camps.

E. The sums made available under paragraphs A and B above shall be administered by the Inter-Governmental Committee on Refugees or by a United Nations Agency to which appropriate functions of the Inter-Governmental Committee may in the future be transferred. The sums made available under paragraph C above shall be administered

D. Seules seront susceptibles d'être admises à bénéficier de l'assistance prévue par le plan dont il s'agit les personnes—ainsi que leur famille et les personnes à leur charge—qui ont été réellement victimes des persécutions nazies et qui appartiennent aux catégories suivantes:

i) Réfugiés de l'Allemagne ou de l'Autriche national-socialistes qui ont besoin d'assistance et ne peuvent pas être renvoyés dans leur pays dans un délai raisonnable par suite des conditions existantes;

ii) Ressortissants allemands et autrichiens résidant actuellement en Allemagne ou en Autriche, dans les cas exceptionnels où il est raisonnable, pour des considérations d'humanité, de les aider à émigrer et pourvu qu'ils émigrent effectivement dans un délai raisonnable;

iii) Ressortissants des pays antérieurement occupés par les Allemands qui ne peuvent pas être rapatriés, ou ne sont pas à même de l'être dans un délai raisonnable. Afin de réserver toute l'assistance aux réfugiés les plus malheureux et les plus méritants, et d'exclure de son bénéfice les personnes dont la loyauté à l'égard des Nations Unies est, ou a été, douteuse, l'assistance ne sera accordée aux ressortissants ou anciens ressortissants des pays antérieurement occupés que s'ils ont été internés dans des camps de concentration nazis ou dans des camps de concentration institués par des régimes subissant l'influence nazie, non compris les personnes qui n'ont été internées que dans des camps de prisonniers de guerre.

E. Les fonds rendus disponibles conformément aux paragraphes A et B ci-dessus seront gérés par le Comité Intergouvernemental des Réfugiés ou par un Organisme des Nations Unies auquel les fonctions que le Comité Intergouvernemental exerce dans ce domaine pourront être transférées dans l'avenir. Les fonds rendus disponibles aux termes

for the general purposes referred to in this Article under a program of administration to be formulated by the five Governments named above.

F. The non-monetary gold found in Germany shall be placed at the disposal of the Inter-Governmental Committee on Refugees as soon as a plan has been worked out as provided above.

G. The Inter-Governmental Committee on Refugees shall have power to carry out the purposes of the fund through appropriate public and private field organisations.

H. The fund shall be used, not for the compensation of individual victims, but to further the rehabilitation or resettlement of persons in the eligible classes.

I. Nothing in this Article shall be considered to prejudice the claims which individual refugees may have against a future German Government, except to the amount of the benefits that such refugees may have received from the sources referred to in paragraphs A and C above.

PART II

INTER-ALLIED REPARATION AGENCY

ARTICLE I.—*Establishment of the Agency*

The Governments Signatory to the present Agreement hereby establish an Inter-Allied Reparation Agency (hereinafter referred to as "The Agency"). Each Government shall appoint a Delegate to the Agency and shall also be entitled to appoint an Alternate who, in the absence of the Delegate, shall be entitled to exercise all the functions and rights of the Delegate.

du paragraphe C ci-dessus seront gérés pour les fins générales visées par le présent article, conformément à un programme de gestion qui sera établi par les cinq Gouvernements ci-dessus.

F. L'or non monétaire trouvé en Allemagne sera mis à la disposition du Comité Intergouvernemental des Réfugiés aussitôt que le plan aura été élaboré.

G. Le Comité Intergouvernemental des Réfugiés aura le pouvoir d'assurer la réalisation des fins pour lesquelles le fonds est créé, par l'intermédiaire d'organismes d'exécution compétents de caractère public ou privé.

H. Les fonds seront employés, non à indemniser des victimes individuelles, mais à faciliter la "réhabilitation" ou le rétablissement des personnes appartenant aux catégories bénéficiaires de l'assistance.

I. Aucune disposition du présent article ne sera considérée comme préjudicant les réclamations que des réfugiés pourront être fondés à présenter à titre individuel à un Gouvernement allemand futur, sauf dans la mesure où ces réfugiés ont bénéficié des ressources prévues aux paragraphes A et C ci-dessus.

PARTIE II

AGENCE INTERALLIÉE DES RÉPARATIONS

ARTICLE I.—*Constitution de l'agence*

Les Gouvernements signataires du présent Accord établissent une Agence Interalliée des Réparations (ci-après appelée "l'Agence"). Chacun d'eux nomme un délégué à l'Agence et peut également nommer un délégué suppléant, lequel, en l'absence du délégué, a les fonctions et pouvoirs de celui-ci.

ARTICLE 2.—*Functions of the Agency*

A. The Agency shall allocate German reparation among the Signatory Governments in accordance with the provisions of this Agreement and of any other agreements from time to time in force among the Signatory Governments. For this purpose, the Agency shall be the medium through which the Signatory Governments receive information concerning, and express their wishes in regard to, items available as reparation.

B. The Agency shall deal with all questions relating to the restitution to a Signatory Government of property situated in one of the Western Zones of Germany which may be referred to it by the Commander of that Zone (acting on behalf of his Government), in agreement with the claimant Signatory Government or Governments, without prejudice, however, to the settlement of such questions by the Signatory Governments concerned either by agreement or arbitration.

ARTICLE 3.—*Internal Organisation of the Agency*

A. The organs of the Agency shall be the Assembly and the Secretariat.

B. The Assembly shall consist of the Delegates and shall be presided over by the President of the Agency. The President of the Agency shall be the Delegate of the Government of France.

C. The Secretariat shall be under the direction of a Secretary General, assisted by two Deputy Secretaries General. The Secretary General and the two Deputy Secretaries General shall be appointed by the Governments of France, the United States of America and the United Kingdom. The Secretariat shall be international in character. It shall act for the Agency and not for the individual Signatory Governments.

ARTICLE 2.—*Fonctions de l'Agence*

A. L'Agence répartit entre les Gouvernements signataires les réparations allemandes conformément aux dispositions du présent Accord et de tous autres accords qui sont ou seront en vigueur entre les Gouvernements signataires. A cette fin, l'Agence est l'organe par lequel les Gouvernements signataires reçoivent les informations relatives aux prestations disponibles à titre de réparations et expriment leurs desiderata en la matière.

B. L'Agence traite toutes questions concernant la restitution à un Gouvernement signataire d'un bien situé dans l'une des zones occidentales d'Allemagne, qui lui sont déferées par le Commandant en chef de cette zone (agissant pour le compte de son Gouvernement), en accord avec le ou les Gouvernements demandeurs, sans préjuger toutefois le règlement de ces questions entre les Gouvernements signataires intéressés, soit par voie d'accord, soit par une procédure arbitrale.

ARTICLE 3.—*Organisation intérieure de l'Agence*

A. Les organes de l'Agence sont l'Assemblée et le Secrétariat.

B. L'Assemblée se compose des délégués; elle est présidée par le Président de l'Agence. Le Président de l'Agence est le délégué du Gouvernement français.

C. Le Secrétariat est sous la direction d'un Secrétaire général, assisté de deux Secrétaires généraux adjoints. Le Secrétaire général et les deux Secrétaires généraux adjoints sont nommés par les Gouvernements des Etats-Unis d'Amérique, de la France et du Royaume-Uni. Le Secrétariat a un caractère international. Il agit pour le compte de l'Agence et non pour le compte des Gouvernements signataires pris individuellement.

ARTICLE 4.—*Functions of the Secretariat*

The Secretariat shall have the following functions:

A. To prepare and submit to the Assembly programs for the allocation of German reparation;

B. To maintain detailed accounts of assets available for, and of assets distributed as, German reparation;

C. To prepare and submit to the Assembly the budget of the Agency;

D. To perform such other administrative functions as may be required.

ARTICLE 5.—*Functions of the Assembly*

Subject to the provisions of Articles 4 and 7 of Part II of this Agreement, the Assembly shall allocate German reparation among the Signatory Governments in conformity with the provisions of this Agreement and of any other agreements from time to time in force among the Signatory Governments. It shall also approve the budget of the Agency and shall perform such other functions as are consistent with the provisions of this Agreement.

ARTICLE 6.—*Voting in the Assembly*

Except as otherwise provided in this Agreement, each Delegate shall have one vote. Decisions in the Assembly shall be taken by a majority of the votes cast.

ARTICLE 7.—*Appeal from Decisions of the Assembly*

A. When the Assembly has not agreed to a claim presented by a Delegate that an item should be allocated to his Government, the Assembly shall, at the request of that Delegate and within the time limit prescribed by the Assembly, refer the

ARTICLE 4.—*Fonctions du Secrétariat*

Les fonctions du Secrétariat sont les suivantes:

A. Etablir des programmes pour la répartition des réparations allemandes et les soumettre à l'Assemblée;

B. Tenir une comptabilité détaillée des biens disponibles au titre des réparations allemandes et des biens répartis à ce titre;

C. Etablir le budget de l'Agence et le soumettre à l'Assemblée;

D. Remplir telles autres fonctions administratives qui pourront être nécessaires.

ARTICLE 5.—*Fonctions de l'Assemblée*

Sous réserve des dispositions des articles 4 et 7 de la Partie II du présent Accord, l'Assemblée fait les attributions au titre des réparations allemandes entre les Gouvernements signataires conformément aux dispositions du présent Accord et de tous autres accords qui sont ou seront en vigueur entre les dits Gouvernements signataires. Elle approuve également le budget de l'Agence et remplit toutes autres fonctions compatibles avec les dispositions du présent Accord.

ARTICLE 6.—*Vote à l'Assemblée*

Sauf dispositions contraires du présent Accord, chaque délégué dispose d'une voix. Les décisions de l'Assemblée sont prises à la majorité des votes exprimés.

ARTICLE 7.—*Recours contre les décisions de l'Assemblée*

A. Lorsque l'Assemblée n'a pas donné satisfaction à la demande d'un délégué tendant à faire attribuer un bien à son Gouvernement, l'Assemblée porte la question à l'arbitrage, si ce délégué en fait la requête, dans le délai prescrit par l'Assemblée.

question to arbitration. Such reference shall suspend the effect of the decision of the Assembly on that item.

B. The Delegates of the Government[s] claiming an item referred to arbitration under paragraph A above shall elect an Arbitrator from among the other Delegates. If agreement cannot be reached upon the selection of an Arbitrator, the United States Delegate shall either act as Arbitrator or appoint as Arbitrator another Delegate from among the Delegates whose Governments are not claiming the item. If the United States Government is one of the claimant Governments, the President of the Agency shall appoint as Arbitrator a Delegate whose Government is not a claimant Government.

ARTICLE 8.—*Powers of the Arbitrator*

When the question of the allocation of any item is referred to arbitration under Article 7 of Part II of this Agreement, the Arbitrator shall have authority to make final allocation of the item among the claimant Governments. The Arbitrator may, at his discretion, refer the item to the Secretariat for further study. He may also, at his discretion, require the Secretariat to resubmit the item to the Assembly.

ARTICLE 9.—*Expenses*

A. The salaries and expenses of the Delegates and of their staffs shall be paid by their own Governments.

B. The common expenses of the Agency shall be met from the funds of the Agency. For the first two years from the date of the establishment of the Agency, these funds shall be contributed in proportion to the percentage shares of the Signatory Governments in Category B

L'effet de ce recours à l'arbitrage est suspensif.

B. Les délégués des Gouvernements qui demandent un bien dont l'attribution est soumise à l'arbitrage en vertu du paragraphe A ci-dessus désignent un arbitre choisi parmi les autres délégués. Si l'accord ne peut se faire sur le choix de l'arbitre, le délégué des Etats-Unis d'Amérique assume les fonctions d'arbitre ou désigne un arbitre parmi les délégués dont les Gouvernements ne demandent pas le bien en question. Si le Gouvernement des Etats-Unis d'Amérique est l'un des Gouvernements qui demandent le bien dont il s'agit, le Président de l'Agence désigne comme arbitre un délégué dont le Gouvernement n'est pas dans la même situation.

ARTICLE 8.—*Pouvoirs de l'arbitre*

Lorsque la question de l'attribution d'un bien est déferée à l'arbitrage, conformément à l'article 7 de la Partie II du présent Accord, l'arbitre a le pouvoir d'attribuer, en dernier ressort, le bien en question à l'un des Gouvernements demandeurs. L'arbitre peut, s'il le juge bon, renvoyer au Secrétariat, pour examen supplémentaire, l'attribution du bien en question. Il peut aussi, s'il le juge bon, demander au Secrétariat de soumettre à nouveau l'attribution du bien en question à l'Assemblée.

ARTICLE 9.—*Dépenses*

A. Chaque Gouvernement paye les traitements et indemnités de ses délégués et du personnel de sa délégation.

B. Les dépenses communes de l'Agence sont payées sur les fonds de l'Agence. Ces fonds sont fournis par chaque Gouvernement signataire pour les deux premières années à partir de l'établissement de l'Agence, proportionnellement à sa quote-part dans l'ensemble des biens de la

and thereafter in proportion to their percentage in Category A.

C. Each Signatory Government shall contribute its share in the budget of the Agency for each budgetary period (as determined by the Assembly) at the beginning of that period; provided that each Government shall, when this Agreement is signed on its behalf, contribute a sum equivalent to not less than its Category B percentage share of £50,000 and shall, within three months thereafter, contribute the balance of its share in the budget of the Agency for the budgetary period in which this Agreement is signed on its behalf.

D. All contributions by the Signatory Governments shall be made in Belgian francs or such other currency or currencies as the Agency may require.

ARTICLE 10.—*Voting of the Budget*

In considering the budget of the Agency for any budgetary period, the vote of each Delegate in the Assembly shall be proportional to the share of the budget for that period payable by his Government.

ARTICLE 11.—*Official Languages*

The official languages of the Agency shall be English and French.

ARTICLE 12.—*Offices of the Agency*

The seat of the Agency shall be in Brussels. The Agency shall maintain liaison offices in such other places as the Assembly, after obtaining the necessary consents, may decide.

ARTICLE 13.—*Withdrawal*

Any Signatory Government, other than a Government which is responsible for the control of a part of German territory, may withdraw from

catégorie B, et, par la suite, proportionnellement à sa quote-part dans l'ensemble des biens de la catégorie A.

C. Chaque Gouvernement signataire paye sa part contributive au budget de l'Agence pour chaque période budgétaire (telle qu'elle est définie par l'Assemblée) au début de cette période, étant entendu que chaque Gouvernement, lorsqu'il signe le présent Accord, fournit sur un total de 50.000 livres sterling une contribution au moins proportionnelle à sa quote-part dans l'ensemble des biens de la catégorie B, et qu'il verse, dans les trois mois qui suivent, le solde de sa part contributive au budget de l'Agence pour la période budgétaire au cours de laquelle il signe cet Accord.

D. Toutes les sommes dues par les Gouvernements signataires sont acquittées en francs belges ou en une ou plusieurs autres monnaies fixées par l'Agence.

ARTICLE 10.—*Vote du budget*

Lors de l'examen du budget de l'Agence, pour toute période budgétaire chaque délégué dispose à l'Assemblée d'un nombre de voix proportionnel à la part contributive due par son Gouvernement pour la période budgétaire considérée.

ARTICLE 11.—*Langues officielles*

Les langues officielles de l'Agence sont l'anglais et le français.

ARTICLE 12.—*Bureaux de l'Agence*

Le siège de l'Agence est à Bruxelles. L'Agence établit des organes de liaison dans tout autre lieu que peut désigner l'Assemblée après s'être assurée des accords nécessaires.

ARTICLE 13.—*Retrait*

Tout Gouvernement signataire, autre que les Gouvernements responsables du contrôle dans une partie du territoire allemand, peut se

the Agency after written notice to the Secretariat.

ARTICLE 14.—*Amendments and Termination*

This Part II of the Agreement can be amended or the Agency terminated by a decision in the Assembly of the majority of the Delegates voting, provided that the Delegates forming the majority represent Governments whose shares constitute collectively not less than 80 per cent of the aggregate of the percentage shares in category A.

ARTICLE 15.—*Legal capacity.—Immunities and Privileges*

The Agency shall enjoy in the territory of each Signatory Government such legal capacity and such privileges, immunities and facilities, as may be necessary for the exercise of its functions and the fulfilment of its purpose. The representatives of the Signatory Governments and the officials of the Agency shall enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Agency.

PART III

RESTITUTION OF MONETARY GOLD

SINGLE ARTICLE

A. All the monetary gold found in Germany by the Allied Forces and that referred to in paragraph G below (including gold coins, except those of numismatic or historical value, which shall be restored directly if identifiable) shall be pooled for distribution as restitution among the countries participating in the pool in proportion to their respective losses of gold through looting or by wrongful removal to Germany.

retirer de l'Agence après avoir adressé une notification écrite au Secrétariat.

ARTICLE 14.—*Amendements et dissolution*

La partie II du présent Accord peut être amendée, ou l'Agence dissoute, par une décision de l'Assemblée prise à la majorité des voix exprimées, pourvu que les délégués qui forment cette majorité représentent des Gouvernements dont le total des quotes-parts constitue au moins 80 p. 100 de l'ensemble des quotes-parts de la catégorie A.

ARTICLE 15.—*Capacité juridique, immunités et privilèges*

L'Agence jouit, sur le territoire de chaque Gouvernement signataire, de la capacité juridique, ainsi que des privilèges, immunités et facilités qui lui sont nécessaires pour exercer ses fonctions et atteindre ses buts. Les représentants des Gouvernements signataires et les fonctionnaires de l'Agence jouissent également des privilèges et immunités qui leur sont nécessaires pour exercer en toute indépendance leurs fonctions en rapport avec l'Agence.

PARTIE III

RESTITUTION DE L'OR MONÉTAIRE

ARTICLE UNIQUE

A. Tout l'or monétaire trouvé en Allemagne par les forces armées alliées et celui visé au paragraphe G ci-dessus (y compris les monnaies d'or, à l'exception de celles qui ont une valeur numismatique ou historique, qui seront restituées immédiatement si elles sont identifiables) sera réuni en une masse commune pour être réparti à titre de restitutions, entre les pays admis à bénéficier de cette masse, au prorata des quantités d'or qu'ils ont respectivement perdues du fait de spoliations par l'Allemagne ou de transferts illégitimes en Allemagne.

B. Without prejudice to claims by way of reparation for unrestored gold, the portion of monetary gold thus accruing to each country participating in the pool shall be accepted by that country in full satisfaction of all claims against Germany for restitution of monetary gold.

C. A proportional share of the gold shall be allocated to each country concerned which adheres to this arrangement for the restitution of monetary gold and which can establish that a definite amount of monetary gold belonging to it was looted by Germany or, at any time after March 12th, 1938, was wrongfully removed into German territory.

D. The question of the eventual participation of countries not represented at the Conference (other than Germany but including Austria and Italy) in the above mentioned distribution shall be reserved, and the equivalent of the total shares which these countries would receive, if they were eventually admitted to participate, shall be set aside to be disposed of at a later date in such manner as may be decided by the Allied Governments concerned.

E. The various countries participating in the pool shall supply to the Governments of the United States of America, France and the United Kingdom, as the occupying Powers concerned, detailed and verifiable data regarding the gold losses suffered through looting by, or removal to, Germany.

F. The Governments of the United States of America, France and the United Kingdom shall take appropriate steps within the Zones of Germany occupied by them respectively to implement distribution in accordance with the foregoing provisions.

B. Sans préjudice des demandes visant l'or non restitué, présentées au titre des réparations, la quantité d'or monétaire revenant à chacun des pays admis à bénéficier de cette masse sera acceptée par ce dernier en règlement complet et définitif de toute créance sur l'Allemagne au titre des restitutions d'or monétaire.

C. Une part proportionnelle de l'or sera attribuée à chacun des pays intéressés qui accepte le présent arrangement concernant la restitution de l'or monétaire et qui peut établir qu'une quantité déterminée d'or monétaire lui appartenant a fait l'objet de spoliation par l'Allemagne ou, à une date quelconque après le 12 mars 1938, de transfert illégitime en territoire allemand.

D. La question de la participation éventuelle de pays non représentés à la Conférence (autres que l'Allemagne, mais y compris l'Autriche et l'Italie) à la répartition susmentionnée est réservée et l'équivalent de ce qui constituerait la totalité des quotes-parts de ces Etats, s'ils venaient à être admis à cette répartition, sera mis en réserve pour qu'il en soit disposé ultérieurement selon ce qui sera décidé par les Gouvernements alliés intéressés.

E. Les divers pays admis à bénéficier de cette masse fourniront aux Gouvernements des Etats-Unis d'Amérique, de la France et du Royaume-Uni, en tant que Puissances occupantes intéressées, des renseignements détaillés et vérifiables sur les pertes d'or qu'ils ont subies du fait que l'Allemagne les a spoliés de cet or ou que cet or a été transporté sur son territoire.

F. Les Gouvernements des Etats-Unis d'Amérique, de la France et du Royaume-Uni prendront toutes mesures utiles dans les zones qu'ils occupent respectivement en Allemagne pour l'exécution d'une répartition conforme aux dispositions qui précèdent.

G. Any monetary gold which may be recovered from a third country to which it was transferred from Germany shall be distributed in accordance with this arrangement for the restitution of monetary gold.

G. Tout or monétaire qui pourra être récupéré d'un pays tiers dans lequel il a été transféré par l'Allemagne sera réparti conformément au présent arrangement concernant la restitution de l'or monétaire.

PART IV

ENTRY INTO FORCE AND SIGNATURE

ARTICLE 1.—*Entry into force*

This Agreement shall be open for signature on behalf of any Government represented at the Paris Conference on Reparation.

As soon as it has been signed on behalf of Governments collectively entitled to not less than 80 p. 100 of the aggregate of shares in Category A of German reparation, it shall come into force among such Signatory Governments

The Agreement shall thereafter be in force among such Governments and those Governments on whose behalf it is subsequently signed.

ARTICLE 2.—*Signature*

The signature of each contracting Government shall be deemed to mean that the effect of the present Agreement extends to the colonies and overseas territories of such Government, and to territories under its protection or suzerainty or over which it at present exercises a mandate.

IN WITNESS WHEREOF, the undersigned, duly authorized by their respective Governments, have signed in Paris the present Agreement in the English and French languages, the two texts being equally authentic, in a single original, which shall be deposited in the Archives of the Government of the French Republic, a certified copy thereof being furnished by that Government to each signatory Government.

PARTIE IV

ENTRÉE EN VIGUEUR ET SIGNATURE

ARTICLE 1.—*Entrée en vigueur*

Le présent Accord pourra être signé par tout Gouvernement représenté à la Conférence de Paris sur les Réparations.

Dès qu'il aura été signé par des Gouvernements ayant droit collectivement à au moins 80 p. 100 des parts prévues pour les Gouvernements signataires dans la catégorie A des réparations allemandes, il entrera en vigueur entre lesdits Gouvernements.

L'Accord sera ensuite en vigueur entre lesdits Gouvernements et tel Gouvernement qui le signerait ultérieurement.

ARTICLE 2.—*Signature*

La signature par chaque Gouvernement contractant sera considérée comme impliquant que l'effet du présent Accord s'étend à ses colonies, territoires d'outremer et territoires sous sa protection, ou sa suzeraineté, ou sur lesquels il exerce actuellement un mandat.

EN FOI DE QUOI, les soussignés, dûment habilités par leurs Gouvernements respectifs, ont signé à Paris le présent Accord, en langues anglaise et française, les deux textes faisant également foi, en un seul exemplaire qui sera déposé dans les archives du Gouvernement de la République française, lequel Gouvernement remettra copie conforme de ce texte à chacun des Gouvernements signataires.

[Signé:] 14 mars 1946, Pour l'Albanie, KAHREMAN YLLI; 14 janvier 1946, pour les États-Unis d'Amérique, JEFFERSON CAFFERY; 25 février 1946, pour

l'Australie, W. R. HODGSON; 14 janvier 1946, pour la **Belgique**, GUILLAUME; 30 janvier 1946, pour le **Canada**, GEORGE P. VANIER; 20 février 1946, pour le **Danemark**, J. C. W. KRUSE; 8 mars 1946, pour l'**Egypte**, FAHKRY-PACHA; 14 janvier 1946, pour la **France**, BIDAULT; 14 janvier 1946, pour le **Royaume-Uni de Grande-Bretagne et d'Irlande du Nord**, DUFF COOPER; 24 janvier 1946, pour la **Grèce**, P. A. ARGYROPOULO; 25 février 1946, pour l'**Inde**, P. CHAUDHURI (Ces signatures sont données en accord avec le Représentant de Sa Majesté Britannique, qui exerce les fonctions de la Couronne dans les relations de celle-ci avec les Etats Indiens.); 14 janvier 1946, pour le **Luxembourg**, A. FUNCK; 6 février 1946, pour la **Norvège**, LUDWIG AUBERT; 20 février 1946, pour la **Nouvelle-Zélande**, W. CLINKARD; 14 janvier 1946, pour les **Pays-Bas**, E. STAR-BUSMANN; 27 février 1946, pour la **Tchécoslovaquie**, JNDRICH NOSEK; 28 février 1946, pour l'**Union de l'Afrique du Sud**, DUFF COOPER; 4 février 1946, pour la **Yougoslavie**, MARKO RISTIC.

No. 658b

Agreement on Allocation of a Reparation Share to Non-Repatriable Victims of German Action. Signed at Paris, June 14, 1946.

Accord sur l'allocation d'une part de réparations aux victimes non-rapatriables de l'action allemande. Signé à Paris, 14 juin 1946.

EDITOR'S NOTE. This Agreement was concluded in pursuance of Article 8 of the Paris Reparation Agreement of January 14, 1946 (No. 658a, *ante*). In July 1947, Sweden paid fifty million Swedish crowns to the Preparatory Committee of the International Refugee Organization in pursuance of this Agreement and of the special agreement with Sweden of July 18, 1946. *U.S. Treaties and Other International Acts Series*, No. 1657; 3 *United Nations Bulletin* (1947), p. 182.

BIBLIOGRAPHY. The Agreement is also published in 15 *U.S. Department of State Bulletin* (1946), p. 71; *British Treaty Series*, No. 81 (1947), Cmd. 7255.

E. Ginzberg, "Reparation for Non-Repatriables," 15 *U.S. Department of State Bulletin* (1946), pp. 56, 76.

Entered into force June 14, 1946.

Text from *U.S. Treaties and Other International Acts Series*, No. 1594.

In accordance with the provisions of Article 8 of the Final Act of the Paris Conference on Reparation, the Governments of the United States of America, France, the United Kingdom, Czechoslovakia and Yugoslavia, in consultation with the Inter-Governmental Committee on Refugees, have worked out, in common agreement, the following plan to aid in the rehabilitation and re-

Conformément aux dispositions de l'Article 8 de l'Acte Final de la Conférence de Paris sur les Réparations, les Gouvernements des Etats-Unis d'Amérique, de la France, du Royaume-Uni, de la Tchécoslovaquie et de la Yougoslavie, après avoir consulté le Comité intergouvernemental pour les Réfugiés, ont élaboré, d'un commun accord, les dispositions suivantes relatives à un programme

settlement of nonrepatriable victims of German action. In working out this plan the signatory Powers have been guided by the intent of Article 8, and the procedures outlined below are based on its terms:

In recognition of special and urgent circumstances, the sum of \$25,000,000, having been made available by Allied governments as a priority on the proceeds of the liquidation of German assets in neutral countries, is hereby placed at the disposal of the Inter-Governmental Committee on Refugees or its successor organization for distribution to appropriate public and private field organizations as soon as they have submitted practicable programs in accordance with this Agreement.

A. It is the unanimous and considered opinion of the Five Powers that in light of Paragraph H of Article 8 of the Paris Agreement on Reparation, the assets becoming available should be used not for the compensation of individual victims but for the rehabilitation and resettlement of persons in eligible classes, and that expenditures on rehabilitation shall be considered as essential preparatory outlays to resettlement. Since all available statistics indicate beyond any reasonable doubt that the overwhelming majority of eligible persons under the provisions of Article 8 are Jewish, all assets except as specified in Paragraph B below are allocated for the rehabilitation and resettlement of eligible Jewish victims of Nazi action, among whom children should receive preferential assistance. Eligible Jewish victims of Nazi action are either refugees from Germany or Austria who do not desire to return to these countries, or German and Austrian Jews now resident in Germany or Austria who desire to emigrate, or Jews who were nationals or former nationals of pre-

tendant à assister et réinstaller les victimes non-rapatriables de l'action allemande.

En élaborant ce programme, les Puissances signataires se sont inspirées des intentions de l'Article 8, et la procédure exposée ci-dessous est fondée sur les termes de ce dernier.

Tenant compte des conditions particulières et pressantes, la somme de \$25.000.000, rendue disponible par les Gouvernements alliés, par priorité sur le produit de la liquidation des avoirs allemands dans les pays neutres, est mise à la disposition du Comité inter-gouvernemental pour les Réfugiés, ou de l'organisme qui lui succédera, en vue de sa répartition parmi les oeuvres compétentes de caractère public ou privé, aussitôt qu'elles auront soumis des programmes praticables, conformément à cet Accord.

A. Après décision unanime des cinq Puissances, et compte tenu du paragraphe H de l'Article 8 de l'Accord de Paris sur les Réparations, les avoirs qui auront été rendus disponibles devront servir, non pas à secourir des victimes individuelles, mais à assister et à réinstaller les personnes appartenant aux catégories prévues, et les dépenses d'assistance devront être considérées essentiellement comme une mise de fonds préparatoire à la réinstallation.

Etant donné que toutes les statistiques existantes indiquent d'une manière indubitable que l'immense majorité des ayants-droit visés par l'Article 8 sont Israélites, tous les avoirs, à l'exception de ceux qui sont stipulés au paragraphe B ci-dessous, sont alloués à l'assistance et à la réinstallation des catégories prévues d'Israélites, victimes de l'action nazie, parmi lesquels les enfants recevront une assistance préférentielle.

Les catégories prévues d'Israélites victimes de l'action nazie sont, soit les réfugiés d'Allemagne ou d'Autriche qui ne veulent pas être rapa-

vously occupied countries and who were victims of Nazi concentration camps or concentration camps established by regimes under Nazi influence.

B. The sum of \$2,500,000, amounting to ten percent, arising out of the \$25,000,000 priority on the proceeds of German assets in neutral countries, ten percent of the proceeds of the "non-monetary gold", and five percent of the "heirless funds" shall be administered by the Inter-Governmental Committee on Refugees or its successor organization through appropriate public and private organizations for the rehabilitation and resettlement of the relatively small numbers of non-Jewish victims of Nazi action who are in need of resettlement. Eligible non-Jewish victims of Nazi action are refugees from Germany and Austria who can demonstrate that they were persecuted by the Nazis for religious, political, or racial reasons and who do not desire to return, or German and Austrian nationals, similarly persecuted, who desire to emigrate.

C. The Director of the Inter-Governmental Committee on Refugees or the Director General of the successor organization shall under the mandate of this Agreement make funds available for programs submitted by the appropriate field organizations referred to in Paragraphs A and B above as soon as he has satisfied himself that the programs are consistent with the foregoing. Only in exceptional circumstances may the cost of resettlement programs exceed a maximum of \$1,000 per adult and \$2,500 per child under twelve years of age. The action of the Inter-Governmental Committee

triés, soit les Israélites allemands ou autrichiens résidant actuellement en Allemagne ou en Autriche qui veulent émigrer, soit les Israélites ressortissants ou anciens ressortissants de pays ayant été occupés, et qui ont été victimes des camps de concentration nazis ou des camps de concentration établis par des régimes sous l'influence nazie.

B. La somme de \$2.500.000, représentant 10% de la somme prioritaire de \$25.000.000 fournie par les avoirs allemands dans les pays neutres, les 10% du produit de l'or non-monnaire et les 5% des "successions en déshérence", seront gérés par le Comité intergouvernemental pour les Réfugiés, ou l'organisation qui lui succédera, par l'entremise d'oeuvres compétentes, de caractère public ou privé, pour l'assistance et la réinstallation des non-Israélites, relativement peu nombreux, victimes de l'action nazie, qui ont besoin d'être réinstallés.

Les ayants-droit non-Israélites, victimes de l'action nazie, sont les réfugiés d'Allemagne et d'Autriche qui peuvent prouver qu'ils ont été persécutés par les nazis pour des motifs religieux, politiques ou raciaux, et qui ne veulent pas être rapatriés, ou des ressortissants allemands et autrichiens, pareillement persécutés, qui désirent émigrer.

C. Le Directeur du Comité intergouvernemental pour les Réfugiés, ou le Directeur Général de l'organisation qui lui succédera, libérera, en vertu du mandat qui découle du présent Accord, les fonds destinés à la mise en oeuvre de programmes soumis par les oeuvres compétentes dont il est fait mention aux paragraphes A et B ci-dessus, aussitôt qu'il se sera assuré que les programmes sont compatibles avec ce qui précède.

Ce n'est que dans des circonstances exceptionnelles que le coût du plan d'établissement pourra dépasser un maximum de \$1.000 par personne

on Refugees or its successor organization shall be guided by the intent of Article 8 and by this Agreement which is to place into operation as quickly as possible practicable programs of rehabilitation and resettlement submitted by the appropriate field organizations.

D. In addition to the \$25,000,000 sum the Inter-Governmental Committee on Refugees or its successor organization is hereby authorized to take title from the appropriate authorities to all "non-monetary gold" found by the Allies in Germany and to take such steps as may be needed to liquidate these assets as promptly as possible, due consideration being given to secure the highest possible realizable value. As these assets are liquidated, the funds shall be distributed in accordance with Paragraphs A and B above.

E. Furthermore, pursuant to Paragraphs C and E of Article 8, in the interest of justice, the French Government on behalf of the Five Governments concluding this Agreement, are making representations to the neutral Powers to make available all assets of victims of Nazi action who died without heirs. The Governments of the United States of America, the United Kingdom, Czechoslovakia, and Yugoslavia are associating themselves with the French Government in making such representations to the neutral Powers. The conclusion that ninety-five percent of the "heirless funds" thus made available should be allocated for the rehabilitation and resettlement of Jewish victims takes cognizance of the fact that these funds are overwhelmingly Jewish in origin, and the five percent made available for non-Jewish victims is based upon a liberal presumption of "heirless

adulte et de \$2.500 par enfant de moins de 12 ans. Le Comité intergouvernemental pour les Réfugiés, ou l'organisation qui lui succédera, devra s'inspirer, dans son action, du sens de l'Article 8 du présent Accord qui doit mettre en oeuvre le plus tôt possible les plans praticables d'assistance et de réinstallation soumis par les oeuvres compétentes.

D. Outre la somme de \$25.000.000, le Comité intergouvernemental pour les Réfugiés, ou l'organisation qui lui succédera, est autorisé, par le présent Accord, à recevoir des autorités compétentes tout "l'or non-monnaire" trouvé par les Alliés en Allemagne et à entreprendre telles démarches qui se révéleraient nécessaires en vue de liquider lesdits avoirs aussi rapidement que possible, étant entendu que les précautions nécessaires seront prises pour obtenir la valeur de réalisation la plus haute possible. Lorsque ces avoirs auront été liquidés, les fonds seront distribués, conformément aux paragraphes A et B ci-dessus.

E. En outre, conformément aux paragraphes C et E de l'Article 8, et dans l'intérêt de la justice, le Gouvernement français fera, au nom des cinq Gouvernements qui ont conclu cet Accord, une démarche auprès des Puissances neutres, pour obtenir remise de tous les avoirs ayant appartenu à des victimes de l'action nazie mortes sans héritiers. Les Gouvernements des Etats-Unis d'Amérique, du Royaume-Uni, de Tchécoslovaquie et de Yougoslavie s'associeront au Gouvernement français, en faisant cette démarche auprès des Puissances neutres.

La décision de consacrer 95% des "successions en déshérence" ainsi rendues disponibles à l'assistance et à la réinstallation de victimes israéliques a été prise en raison du fait que l'immense majorité de ces fonds ont une origine israélique, et les 5% consacrés aux victimes non-israéliques l'ont été sur l'estimation libérale-

funds" non-Jewish in origin. The "heirless funds" to be used for the rehabilitation and resettlement of Jewish victims of Nazi action should be made available to appropriate field organizations. The "heirless funds" to be used for the rehabilitation and resettlement of non-Jewish victims of Nazi action should be made available to the Inter-Governmental Committee on Refugees or its successor organization for distribution to appropriate public and private field organizations. In making these joint representations, the signatories are requesting the neutral countries to take all necessary action to facilitate the identification, collection, and distribution of these assets which have arisen out of a unique condition in international law and morality. If further representations are indicated the governments of the United States of America, France, and the United Kingdom will pursue the matter on behalf of the Signatory Powers.

F. To insure that all funds made available shall inure to the greatest possible benefit of the victims whom it is desired to assist, all funds shall be retained in the currency from which they arise and shall be transferred therefrom only upon the instructions of the organization to which the Inter-Governmental Committee on Refugees or its successor organization has allocated the funds for expenditure.

G. The Director of the Inter-Governmental Committee on Refugees shall carry out his responsibilities to the Five Governments in respect of this Agreement in accordance with the terms of the Letter of Instruction which is being transmitted to him by the French Govern-

ment faite de l'importance des "successions en déshérence" d'origine non-israélite.

Les "successions en déshérence" employées à l'assistance et à la réinstallation des victimes israélites de l'action nazie seront mises à la disposition des oeuvres compétentes. Les "successions en déshérence" employées à l'assistance et à la réinstallation des victimes non-israélites de l'action nazie seront mises à la disposition du Comité intergouvernemental pour les Réfugiés, ou de l'organisation qui lui succédera, à charge par ce dernier de les distribuer aux oeuvres publiques ou privées compétentes.

En faisant cette démarche commune, les signataires prient les pays neutres de faire toutes les démarches nécessaires en vue de faciliter l'identification, la collecte et la distribution de ces avoirs qui sont le résultat d'une situation unique dans la morale et le droit internationaux.

Si de nouvelles démarches se révèlent nécessaires, les Gouvernements des Etats-Unis d'Amérique, de France et du Royaume-Uni poursuivront l'action nécessaire au nom des Puissances signataires.

F. En vue d'obtenir que les fonds rendus disponibles soient utilisés dans des conditions permettant d'assurer le plus d'avantages possibles aux victimes à assister, ces fonds demeureront comptabilisés dans la monnaie du pays où ils se trouvent. Ils seront ensuite transférés, seulement sur instructions de l'oeuvre à laquelle le Comité intergouvernemental pour les Réfugiés aura alloué lesdits fonds en vue de les dépenser.

G. Le Directeur du Comité intergouvernemental pour les Réfugiés sera responsable de l'exécution du présent Accord à l'égard des cinq Gouvernements, en conformité avec les termes de la lettre d'instructions qui lui sera transmise par le Gouvernement français au nom des Gouver-

ment on behalf of the Governments concluding this Agreement.

IN WITNESS WHEREOF the undersigned have signed the present Agreement.

Done in Paris on the 14th of June, 1946, in the English and French languages, the two texts being equally authentic, in a single original, which shall be deposited in the Archives of the Government of the French Republic, certified copies thereof being furnished by that Government to the signatories of this present Agreement.

[Signed:] Delegate of the **United States of America**, ELI GINZBERG; Delegate of **France**, PHILIPPE PERIER; Delegate of the **United Kingdom of Great Britain & Northern Ireland**, DOUGLAS MACKILLOP; Delegate of **Czechoslovakia**, J. V. KLVANA; Delegate of **Yugoslavia**, M. D. JAKSIC.

ANNEX TO THE AGREEMENT ON A PLAN
FOR ALLOCATION OF A REPARATION
SHARE TO NON-REPATRIABLE VICTIMS
OF GERMAN ACTION

*Declaration by the Czechoslovak and
Yugoslav Delegates*

In accepting the phrasing of Paragraph E of the Agreement, the Czechoslovak and Yugoslav Delegates have declared that the Republic of Czechoslovakia and the Republic of Yugoslavia have not by so accepting, given up their claim to the forthcoming inheritances mentioned therein which, according to the provisions of international law, belong to their respective States.

PARIS, 14th June, 1946.

The Czechoslovak Delegate; J. V. KLVANA
The Yugoslav Delegate; M. D. JAKSIC

nements signataires du présent Accord.

EN FOI DE QUOI, les soussignés ont signé le présent Accord.

Fait à Paris le 14 juin 1946, en langues anglaise et française, les deux textes faisant également foi, en un exemplaire unique qui sera conservé dans les archives du Gouvernement de la République française, lequel Gouvernement remettra copie conforme de ce texte à chacun des Gouvernements.

ANNEXE À L'ACCORD SUR UN PLAN
POUR L'ALLOCATION D'UNE PART DE
REPARATIONS AUX VICTIMES NON RA-
PATRIABLES DE L'ACTION ALLEMANDE

*Déclaration des Délégués tchécoslovaque et
yougoslave*

En acceptant la formule du paragraphe E de l'Accord, les Délégués tchécoslovaque et yougoslave ont déclaré que la République de Tchécoslovaquie et la République de Yougoslavie n'ont pas renoncé, par cette acceptation, aux héritages éventuels visés appartenant, d'après les dispositions de droit international, à leurs États respectifs.

PARIS, le 14 juin 1946.

No. 658c

Accord on Treatment of German-Owned Patents. Opened for signature at London, July 27, 1946.

Accord concernant le traitement réservé aux brevets d'invention ayant appartenu à des Allemands. Ouvert à la signature à Londres, 27 juillet 1946.

EDITOR'S NOTE. This Accord was signed at a conference on German-owned patents, held at London, July 15-27, 1946, on the request of the Assembly of the Inter-Allied Reparation Agency established by the agreement of January 14, 1946 (No. 658a, *ante*). Articles 3 and 9 of this Accord have been amended by the protocol of July 27, 1946 (No. 658c (i), *post*). An agreement for the preservation or restoration of industrial property rights affected by the Second World War was signed at Neuchâtel, February 8, 1947. 14 *U.N. Treaty Series*, p. 287.

RATIFICATIONS. On December 1, 1947, this Accord had been signed, without reservation as to acceptance, or accepted by Belgium, Bolivia, Canada, Chile, Czechoslovakia, Denmark, El Salvador, Egypt, Ethiopia, France, Great Britain (including Newfoundland, Southern Rhodesia and other British territories), Haiti, Honduras, India, Iran, Iraq, Lebanon, Luxemburg, Netherlands, New Zealand, Norway, Panama, Poland, Saudi Arabia, South Africa, Turkey, United States of America, Venezuela, and Yugoslavia.

BIBLIOGRAPHY. The text of the Accord is also published in 15 *U.S. Department of State Bulletin* (1946), p. 300; 79 *France, Journal officiel* (1947), p. 941; 36 *Revue critique de droit international privé* (1947), p. 164, 62 *Propriété industrielle* (1946), p. 121. For the Final Act of the Conference, see *British Treaty Series*, No. 15 (1948), Cmd. 7539, p. 3; Canada, *Treaty Series*, 1946, No. 46.

B. Boskey, "The Conference on German-Owned Patents," 15 *U.S. Department of State Bulletin* (1946), pp. 297-99.

Entered into force November 30, 1946.

Text from *British Treaty Series*, No. 15 (1948), Cmd. 7359.

The Governments on whose behalf the present Accord is signed:

Desiring to make arrangements with regard to former German-owned patents in their possession or control:

Have agreed as follows:

Article 1. Subject to the provisions of the following Articles, each Government, party to this Accord, undertakes that all former wholly German-owned patents, issued by it and in its possession or control under the general law and regulations relating to German-owned property, which have not ceased or been dedicated to the public, shall be dedicated to the public or placed in the

Les Gouvernements signataires du présent Accord, désireux de régler le sort des brevets ayant appartenu à des Allemands, et actuellement en la possession desdits Gouvernements ou sous leur contrôle,

Ont convenu et arrêté les dispositions suivantes:

Article 1. Sous réserve des dispositions stipulées aux Articles suivants, tout Gouvernement partie à l'Accord s'engage à mettre à la disposition du public ou à placer dans le domaine public, tous les brevets ayant appartenu à des Allemands, en sa possession ou sous son contrôle d'après les dispositions législatives en vigueur ou les stipulations relatives à la propriété allemande, brevets

public domain or continuously offered for licensing without royalty to the nationals of all Governments, parties to this Accord.

Art. 2. In cases where a Government, party to this Accord, makes available by the grant of licences or otherwise to its own nationals rights under patents in which there was formerly a German interest (other than the patents specified in Article 1), such rights shall be made available to the nationals of all Governments, parties to this Accord, on the same terms as to the nationals of that Government.

Art. 3. Subject to the provision of Article 4, all licences granted in accordance with Article 1 and, in cases where the Government is not prevented by the terms of the patent, licence or other right which it acquires, all licences granted in accordance with Article 2 shall include the right to practise and exercise the inventions claimed in the patents, and to make, use and sell the products of the inventions regardless of where such products are manufactured.

Art. 4. The provisions of Articles 1 and 2 shall be subject to the right of each Government to take appropriate measures to protect and preserve proprietary, licence or other rights or interests in such patents which have been before the 1st August, 1946, lawfully granted to or acquired by any non-German. An exclusive licence granted before the 1st August, 1946, may be protected by declining to grant any new licence during the period of such exclusive licence, and a non-exclusive licence may be protected by imposing on new licensees the same terms as those imposed on the existing licensee.

accordés par lui et qui se trouvent encore en vigueur, ou à en accorder, à tout moment, des licences sans redevances aux ressortissants de tous les Gouvernements parties à cet Accord.

Art. 2. Si un Gouvernement, partie à l'Accord, met à la disposition de ses propres ressortissants, soit en concédant des licences, soit de toute autre manière, des droits relatifs aux brevets sur lesquels existaient auparavant un droit appartenant à un Allemand (autre que les brevets visés à l'Article 1), ces droits seront également à la disposition des ressortissants de tous les Etats, parties à cet Accord, et dans les mêmes conditions.

Art. 3. Sous réserve des dispositions stipulées à l'Article 4, toutes les licences accordées d'après les dispositions de l'Article 1 et dans les cas où le Gouvernement n'en est pas empêché par les conditions du brevet, de la licence ou de tout autre droit tombé en sa possession, toutes les licences accordées conformément à l'Article 2 comprendront le droit d'exploiter les inventions sous brevet et de fabriquer, utiliser et vendre les produits de ces inventions sans tenir compte du lieu de production.

Art. 4. Les dispositions des Articles 1 et 2 ne porteront pas atteinte aux droits de chaque Gouvernement de prendre les mesures qu'il jugera appropriées pour protéger et maintenir les droits de propriété, de licence, ou tous autres droits et intérêts relatifs aux brevets, qui ont été légalement accordés à des non-Allemands, ou acquis par eux avant le 1^{er} août 1946. Toute licence exclusive, accordée avant le 1^{er} août 1946, pourra être protégée par le refus d'accorder toute autre licence pendant la durée d'une telle licence exclusive; et toute licence non-exclusive pourra être protégée en imposant au nouveau bénéficiaire de la licence les mêmes conditions que celles imposées aux détenteurs actuels de cette licence.

Art. 5. For the purposes of this Accord, each Government may treat as non-German-owned those patents, or interests in patents, belonging to persons in special classes (such as Germans residing outside Germany, German refugees &c.), whose property that Government has exempted or may in the future exempt from its general law and regulations relating to German-owned property.

Art. 6. In order to carry out the purposes of this Accord and to provide for the interchange of information through a central office, the Government of the French Republic will provide facilities for receiving and disseminating reports from Governments, parties to this Accord, and for notifying these Governments of matters of common interest under this Accord.

Art. 7. Each Government, party to this Accord, shall furnish as soon as possible to the central office referred to in Article 6, for transmission to the other Governments, parties to this Accord, a list of all former wholly or partly German-owned patents which are not available to the nationals of these Governments by way of dedication or royalty-free licences, together with a schedule of the licences and of non-German interests existing under or in those patents. In addition, the Governments, which can conveniently do so shall furnish a list of all such patents still in force which are licensable on a royalty-free basis and of all such patents as have ceased or been dedicated to the public.

Art. 8. The present Accord shall remain open for signature in London on behalf of any Government repre-

Art. 5. Dans le cadre du présent Accord, chaque Gouvernement pourra traiter comme n'étant pas de propriété allemande tels brevets ou tels intérêts relatifs à des brevets appartenant à des catégories déterminées de personnes (par exemple les Allemands résidant hors d'Allemagne, les réfugiés allemands, etc.) dont la propriété a été ou sera exemptée par ce Gouvernement des dispositions générales relatives au contrôle de la propriété allemande.

Art. 6. En vue de faciliter l'application du présent Accord et afin d'assurer l'échange des renseignements grâce à un bureau central, le Gouvernement de la République Française fera le nécessaire pour recevoir et diffuser les rapports provenant des Gouvernements parties à cet Accord et pour informer ces Gouvernements des sujets d'intérêt commun visés par l'Accord.

Art. 7. Tout Gouvernement partie au présent Accord, fournira, aussitôt que possible, au bureau central visé à l'Article 6, pour être communiquée aux autres Gouvernements parties à cet accord, une liste de tous les brevets ayant autrefois entièrement ou partiellement appartenu à des Allemands, qui ne seront pas accessibles aux ressortissants de ces Gouvernements par voie de mise à la disposition du public ou de concession de licence sans redevance, ainsi qu'un tableau des licences et des intérêts non-allemands qui existent sur ces brevets. De plus, les Gouvernements qui pourront le faire sans inconvénient devront fournir une liste des brevets encore en vigueur et sur lesquels pourront être accordées des licences sans redevances, ainsi que la liste de tous les brevets en question dont la validité a cessé ou qui ont été mis à la disposition du public.

Art. 8. Le présent Accord pourra être signé à Londres au nom de tout Gouvernement représenté à la Con-

sented at the Conference in London until the 31st December, 1946. The Government of the United Kingdom shall notify to all other Governments represented at the Conference the names of the Governments on whose behalf the Accord has been signed.

Art. 9. The Government of any other member of the United Nations, or of any country which remained neutral during the second World War, may become a party to this Accord by notifying the Government of the United Kingdom of its acceptance thereof before the 1st January, 1947. The Government of the United Kingdom shall inform all Governments represented at the Conference in London on German-owned patents, or which have accepted this Accord under this Article, of all acceptances so notified.

Art. 10. Any Government, party to this Accord, may extend the Accord to any of its colonies, overseas territories, or to any territories under its protection or jurisdiction or which it administers under mandate, by a notification addressed to the Government of the United Kingdom.

The Government of the United Kingdom shall inform all other Governments, party to this Accord, of any notification which it receives under this Article.

Art. 11. This Accord shall come into force as soon as it has been signed or accepted by the Governments of the French Republic, the United Kingdom, the United States of America and of four other countries.

IN WITNESS WHEREOF the undersigned duly authorised thereto have signed the present Accord.

Done in London this 27th day of July, 1946, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Government of the United Kingdom.

férence de Londres jusqu'au 31 décembre 1946.

Le Gouvernement du Royaume-Uni informera tous les autres Gouvernements représentés à la Conférence des adhésions données ultérieurement à cet Accord.

Art. 9. Le Gouvernement de tout autre Etat, membre des Nations Unies, ou de tout pays resté neutre au cours de la deuxième guerre mondiale, pourra devenir partie à cet Accord, en notifiant son adhésion au Gouvernement du Royaume-Uni avant le 1^{er} janvier 1947.

De telles adhésions seront portées par le Gouvernement du Royaume-Uni à la connaissance de tous les autres Gouvernements représentés à la Conférence de Londres sur les brevets allemands, ou ayant adhéré à cet Accord d'après les dispositions du présent Article.

Art. 10. Tout Gouvernement, partie au présent Accord, pourra l'étendre à chacune de ses colonies, territoires d'outre-mer, protectorats, territoires placés sous sa juridiction ou administration ou son mandat, en notifiant cette extension au Gouvernement du Royaume-Uni.

Le Gouvernement du Royaume-Uni informera chaque Gouvernement partie à cet accord de toute notification qu'il recevra par application du présent Article.

Art. 11. Le présent Accord entrera en vigueur dès qu'il aura été signé ou accepté par les Gouvernements de la République Française, du Royaume-Uni, des Etats-Unis d'Amérique et par ceux de quatre autres Etats.

EN FOI DE QUOI les soussignés, dûment autorisés à cet effet, ont signé le présent Accord.

Fait à Londres le 27 juillet 1946, en français et en anglais, les deux textes faisant également foi, en un seul exemplaire, qui restera déposé dans les Archives du Gouvernement du Royaume-Uni. Le Gouverne-

The Government of the United Kingdom shall transmit certified copies of this Accord to all Governments represented at the Conference in London on German-owned patents and to all Governments entitled to become a party to this Accord under the provisions of Article 9.

ment du Royaume-Uni transmettra des copies certifiées conformes de cet Accord, à chacun des Gouvernements représentés à la Conférence de Londres sur les brevets allemands et à tout Gouvernement ayant le droit de devenir partie à cet Accord en vertu des dispositions de l'Article 9 ci-dessus.

[Signed:] For the Government of **Belgium**: G. WALRAVENS; for the Government of **Canada**: N. A. ROBERTSON; for the Government of **Czechoslovakia**: MAX. LOBKOWICZ; for the Government of **Denmark**: E. SCHRAM-NIELSEN; for the Government of the **French Republic**: R. MONMAYOU, E. MATHON; for the Government of **Luxembourg**: A. J. CLASEN; for the Government of the **Netherlands**: DYCKMEESTER; for the Government of **Norway**: REIDAR SOLUM; for the Government of the **Union of South Africa**: EUGENE K. SCALLAN, 30th November, 1946; for the Government of the **United Kingdom**: HAROLD L. SAUNDERS, B. G. CREWE; for the Government of the **United States of America**: CASPER W. OOMS.

No. 658c (i)

Protocol amending the Accord on German-Owned Patents.
Signed at London, July 17, 1947.

Protocole modifiant l'Accord sur les brevets allemands. Signé à Londres, 17 juillet 1947.

BIBLIOGRAPHY. The text of this Protocol is also published in Canada, *Treaty Series*, 1947, No. 38.

Entered into force July 17, 1947.

Text from *British Treaty Series*, No. 15 (1948), Cmd. 7359, p. 16.

The Governments parties to the International Accord on German-owned Patents drawn up in London on 27th day of July, 1946:

Desiring to amend in certain respects the aforesaid Accord:

Have agreed as follows:

Article 1. Article 3 of the International Accord on German-owned Patents drawn up in London on 27th day of July, 1946, shall be amended by the deletion of the words "regardless of where such products are manufactured" and the insertion of

Les Gouvernements parties à l'Accord international rédigé à Londres le 27 juillet 1946 sur les brevets allemands:

Désireux de modifier sur certains points le susdit Accord:

Sont convenus de ce qui suit:

Article 1. L'article 3 de l'Accord international rédigé à Londres le 27 juillet 1946 sur les brevets allemands sera modifié par la suppression des mots "sans tenir compte du lieu de production" et l'insertion des mots "à condition qu'ils soient fabriqués

the words "provided that such products are manufactured in a country or territory to which the Accord applies," after the word "inventions."

Art. 2. Article 9 of the aforesaid Accord is amended by the substitution thereof of the following paragraphs:

"The Government of any other member of the United Nations, or of any country which remained neutral during the Second World War, may also become a party to this Accord by notifying the Government of the United Kingdom of its acceptance thereof before 31st July, 1947. The Government of the United Kingdom shall inform all Governments represented at the Conference in London on German-owned patents, or which have accepted this Accord under this Article, of all acceptances so notified.

"Any Government accepting this Accord between 1st January, 1947, and 31st July, 1947, undertakes that, in exercising the right provided for in Article 4, it will not protect or preserve rights or interests granted to or acquired by any non-German subsequently to 1st August, 1946."

IN WITNESS WHEREOF the undersigned, duly authorised thereto by their respective Governments, have signed the present Protocol.

Done in London this 17th day of July, 1947, in English and in French, both texts being equally authentic, in a single copy, which shall remain deposited in the archives of the Government of the United Kingdom.

The Government of the United Kingdom shall transmit certified copies of this Protocol to all Governments represented at the Conference in London on German-owned patents

dans un pays ou un territoire auquel cet accord s'applique" après le mot "inventions."

Art. 2. L'article 9 du susdit Accord est modifié par la substitution à cet article des paragraphes suivants:

"Le Gouvernement de tout autre pays membre des Nations Unies, ou de tout pays resté neutre au cours de la deuxième guerre mondiale, peut également devenir partie à cet accord, en notifiant son adhésion au Gouvernement du Royaume-Uni avant le 31 juillet 1947. De telles adhésions seront portées par le Gouvernement du Royaume-Uni à la connaissance de tous les autres Gouvernements représentés à la Conférence de Londres sur les brevets allemands, ou ayant adhéré à cet Accord d'après les dispositions du présent article.

"Tout Gouvernement adhérant à cet Accord entre le 1^{er} janvier 1947 et le 31 juillet 1947 s'engage, au cas où il exercerait les droits qui lui sont reconnus à l'article 4, à ne pas protéger ou préserver les droits ou les intérêts reconnus à des non-Allemands ou acquis par ceux-ci postérieurement au 1^{er} août 1946."

EN FOI DE QUOI les soussignés, dûment autorisés à cet effet par leurs Gouvernements respectifs, ont apposé leur signature au présent Protocole.

Fait à Londres, le 17 juillet 1947, en français et en anglais, les deux textes faisant également foi, en un seul exemplaire, qui restera déposé dans les archives du Gouvernement du Royaume-Uni.

Le Gouvernement du Royaume-Uni transmettra des copies certifiées conformes de ce Protocole à tous les Gouvernements représentés à la Conférence de Londres sur les bre-

and to any Government which has become or is entitled to become a party to the Accord under the provisions of Article 9 thereof, as hereby amended.

vets allemands et à tout Gouvernement qui est devenu, ou qui a acquis le droit de devenir, partie à l'Accord aux termes de l'article 9 dudit Accord, avec les amendements apportés par le présent Protocole.

[Signed:] For the Government of the **Union of South Africa**: G. HEATON NICHOLLS; for the Government of **Belgium**: OBERT DE THIEUSIES; for the Government of **Bolivia**: NAPOLEON SOLARES; for the Government of **Canada**: L. D. WILGRESS; for the Government of **Czechoslovakia**: B. J. KRATOCHVIL; for the Government of **Denmark**: WILHELM EICKHOFF; for the Government of the **Dominican Republic**: A. PASTORIZA; for the Government of **Ecuador**: HOMERO VITERI L.; for the Government of the **French Republic**: R. MASSIGLI; for the Government of the **United Kingdom of Great Britain and Northern Ireland**: ERNEST BEVIN; for the Government of **Guatemala**: M. YDIGORAS F.; for the Government of **India**: M. K. VELLODI; for the Government of **Iran**: S. H. TAQIZADEH; for the Government of **Iraq**: ZEID; for the Government of **Lebanon**: N. DIMECHKIÉ; for the Government of **Luxembourg**: A. J. CLASEN; for the Government of the **Netherlands**: E. MICHIELS VAN VERDUYNEN; for the Government of **New Zealand**: W. J. JORDAN; for the Government of **Norway**: R. SOLUM; for the Government of **Paraguay**: A. AGUILERA, Subject to the Constitutional approval of the Government of Paraguay; for the Government of **Poland**: JERZY MICHALOWSKI; for the Government of **Syria**: N. ARMANAZI; for the Government of **Turkey**: CEVAT AÇIKALIN; for the Government of the **United States of America**: L. W. DOUGLAS; for the Government of **Venezuela**: L. CABANA, *Ad referendum*.

No. 658d

Agreement on Conflicting Claims to German Enemy Assets. Opened for signature at Brussels, December 5, 1947.

Accord relatif à la solution des conflits de juridiction portant sur les avoir allemands à l'étranger. Ouvert à la signature à Bruxelles, 5 décembre 1947.

EDITOR'S NOTE. This Agreement was drafted by the Committee on German External Assets of the Inter-Allied Reparation Agency, established by the agreement of January 14, 1946 (No. 658a, *ante*). Inter-Allied Reparation Agency, *Report of the Secretary General for the Year 1947*, pp. 23-27. The Assembly of the Agency recommended on March 12, 1948, that, in addition, bipartite agreements should be concluded on the subject between non-signatory states. Such an agreement was concluded by France and Great Britain on July 15, 1948. *Idem*, 1948, pp. 22-25; *British Treaty Series*, No. 74 (1948), Cmd. 7551.

SIGNATURES. On January 1, 1949, this Agreement had been signed by Belgium, Canada, Denmark, Luxemburg, the Netherlands, and the United States of America.

BIBLIOGRAPHY. The text of the Agreement is also published in Canada, *Treaty Series*, 1947, No. 35.

Not entered into force (January 1, 1949).

Text from 18 *U.S. Department of State Bulletin* (1948), p. 6.

The Governments Parties to the present Agreement,

Desiring to resolve conflicting claims to German enemy assets within their respective jurisdictions and to facilitate the disposal of such assets to the common advantage,

Have agreed as follows:

Article 1. In dealing with German enemy assets the Parties to the present Agreement (hereinafter and in the Annex hereto referred to as Parties) shall be guided as far as possible, in their relations with each other, by the provisions set forth in the present Agreement and in its Annex (hereinafter and in the Annex hereto together referred to as the Agreement), and shall take such action to give effect to the Agreement as may be necessary and appropriate.

Art. 2. The Agreement shall not supersede any prior agreements concluded between any two or more Parties, or between a Party and another Government not a Party; provided that no such prior agreement between any of the Parties shall adversely affect the rights under the Agreement of another Party not party to the prior agreement, or those of its nationals.

When a prior agreement between a Party and another Government is deemed by a Party, not party to the prior agreement, to affect adversely its rights under the Agreement or those of its nationals, the Party who is also party to the prior agreement shall approach the other Government in order to secure, if possible, such modification of the relevant provisions of the prior agreement as will render them consistent with the Agreement.

Art. 3. Nothing in the Agreement shall preclude any Party or Parties from concluding in the future any

separate agreement; provided that such subsequent agreement shall not affect adversely the rights under the Agreement of another Party not party to the subsequent agreement, or those of its nationals.

Art. 4. If a dispute arises between two or more Parties with respect to the interpretation, implementation or application of the Agreement, such Parties shall endeavour by every means possible to settle such dispute by negotiation between themselves, which may include the use of a mutually acceptable conciliator with such powers as the Parties in dispute may agree. If the dispute is not resolved within a reasonable time by such negotiation, the dispute shall be settled in the manner provided in Part VI of the Annex.

Art. 5. The Agreement shall come into force, as respects Governments which have signed it before it comes into force, as soon as it has been signed at any time before September 1, 1948, on behalf of Governments which, under Part I, Article 1 B of the Paris Agreement on Reparation of January 24, 1946, are collectively entitled to not less than 35 percent of the aggregate of shares in Category A of German reparations.

The Agreement shall remain open for signature by other Governments Members of the Inter-Allied Reparation Agency for a period of six months from the date upon which it comes into force, and shall become effective with respect to those Governments immediately upon signature.

Art. 6. If any Government which is not a member of the Inter-Allied Reparation Agency signifies in writing to the Government of Belgium within nine months of the date upon which the Agreement comes into

force that it desires to become a Party to the Agreement, or to a similar agreement, the Parties will consider in consultation with one another and with that Government its participation in such an agreement; provided that nothing in this Article shall be deemed to qualify any right of any Party under Article 3 above.

Art. 7. Any Government to which the Agreement is open for signature may, in lieu of signing, give notification of accession, in writing, to the Government of Belgium, and a Government making such notification of accession shall be deemed to have signed the Agreement on the date of receipt of the notification by the Government of Belgium.

Art. 8. Any signatory Government may, at the time of signature or later, declare by notification in writing to the Government of Belgium that it desires the Agreement to apply to all or any of its overseas territories or colonies or territories under its suzerainty or protection or territories in respect of which it exercises a mandate or trusteeship, and

the Agreement shall apply to the colonies and territories, named in the notification, from the date of receipt thereof by the Government of Belgium or from the date on which the Agreement comes into force in respect of the notifying Government, whichever is the later.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

Done in Brussels on December 5, 1947, in the English and French languages, the two texts being equally authentic, in a single original which shall be deposited in the Archives of the Government of Belgium. The Government of Belgium will furnish certified copies of the Agreement to each Government Signatory of the Paris Agreement on Reparation of January 24, 1946, and to each other Government on whose behalf the Agreement is signed, and will also inform those Governments of all signatures of the Agreement and of any notifications received thereunder.

[Signed: For **United States of America**: (Subject to approval and subject to the reservation that the Agreement shall not apply to conflicting claims of the United States and others to interests in the General Aniline and Film Corporation or in the property belonging to or held by it.) **RUSSELL H. DORR, ALEXANDER B. DASPIT**; for **Canada**: **G. W. MCPHERSON**; pour les **Pays-Bas**: (Sous réserve de ratification.) **M. H. BREGSTEIN**; pour le **Belgique**: (Sous réserve de ratification.) **G. DUQUESNE DE LA VINELLE**, 5 janvier 1948.]

ANNEX

PART I: PROPERTY OWNED BY GERMAN ENEMIES

Article 1.—A. For the purpose of this Article, "security" means any stock, bond, debenture, share or, in general, any similar property known as a "security", in the country of issue.

B. Where a security owned by a German enemy has been issued by a Party or by a governmental or pri-

vate organisation or person within its territory but the certificate is in the territory of another Party, the certificate, whether in registered or in bearer form, shall be released to the former Party.

C. A German enemy owner of a certificate issued by an administration office, voting trustee or similar organisation or person, and indicating a participation in one or more specifically named securities, shall be regarded as the owner of the amount

of securities specifically indicated, and Paragraph B of this Article shall apply to these securities.

D. A Party obliged under this Article to release a certificate shall not be required to release the income (in cash or otherwise) which has before July 1, 1947, been received in its territory by the releasing Party or by any person acting under its authority. Income received by such Party or person on or after July 1, 1947, shall be released to the Party entitled to the release of the certificate.

E. A Party obliged under this Article to release a certificate shall not be required to release the proceeds of any liquidation by sale, redemption or otherwise, which were, on December 31, 1946, in the form of cash or of securities issued by that Party or by a Governmental or private organisation or person within its territory, even if such cash was reinvested or such securities were sold or traded after that date. If the proceeds were, on December 31, 1946, in the form of securities issued by another Party or by a Governmental or private organisation or person within its territory, such securities (or the proceeds of their liquidation after that date) shall be released to the latter Party.

Art. 2.—A. For the purpose of this Article, "currency" means any notes, coins or other similar monetary media except those of numismatic or historical value.

B. Where currency has been issued by a Party or by a Governmental or private organisation acting under its authority but the currency is owned by a German enemy and is in the territory of another Party, the currency shall be released to the former Party.

C. Where currency has been sold before January 1, 1947, no release shall be required; but release of the proceeds shall be required if sale has taken place on or after January 1, 1947.

D. Nothing in this Article shall prejudice any rights or obligations which Parties may have under Part III of the Paris Agreement on Reparation.

Art. 3. Where a negotiable instrument (such as a bill of exchange, promissory note, cheque or draft), not covered by Article 4 of this Annex, owned by a German enemy, is in the territory of a Party and the principal obligor is resident in the territory of another Party, the instrument shall be released to the latter Party.

Art. 4. Where a bill of lading, warehouse receipt or other similar instrument, whether or not negotiable, owned by a German enemy, is in the territory of a Party but the property to which it relates is located in the territory of another Party, the instrument shall be released to the latter Party.

Art. 5.—A. A foreign currency account ("primary account") maintained in favour of a German enemy by a financial institution in the territory of a Party ("primary country") covered in whole or in part by an account ("cover account") with a financial institution in the territory of another Party ("secondary country") shall be treated as follows:

(i) The cover account shall be released and the primary country shall reimburse the secondary country in an amount equal to 50% of the cover account applicable to the primary account. Such reimbursement shall be made in accordance with the terms of Article 14 of this Annex.

(ii) Where the secondary country has vested or otherwise taken under custodian control the income from German enemy property situated in the secondary country or the proceeds of the liquidation of German enemy owned securities issued by the secondary country or by a Governmental or private organisation or person within its territory and which securities were held in a custody or

depot account, such income or such proceeds may be retained by the secondary country and sub-paragraph (i) of this Paragraph shall not apply thereto.

B. For the purpose of this Article, accounts shall include named, numbered or otherwise specially designated accounts and sub-accounts as well as undesignated accounts and sub-accounts.

Art. 6. Where property covered by this Part is owned partly by a German enemy and partly by a non-enemy, the method of segregating the respective interests and releasing the enemy interests shall be determined by agreement between the interested Parties. The German enemy interests shall then be released to the Party which would have been entitled to the property if it had been wholly German enemy owned.

PART II: DECEASEDS' ESTATES, TRUSTS AND OTHER FIDUCIARY ARRANGEMENTS UNDER WHICH A GERMAN ENEMY HAS AN INTEREST

Art. 7.—A. Except as provided in Paragraph B of this Article, property within the jurisdiction of a Party, forming part of the estate of a non-enemy person who has died domiciled in the territory of another Party, in which estate a German enemy has an interest whether as a beneficiary or creditor, shall be released from control of the custodian authorities of the former Party with a view to facilitating normal administration of the estate in the territory of the latter Party. Property so released shall be subject to the application of the laws of the releasing Party governing administration and distribution of the deceaseds' estates. When under such laws distribution of the deceased's estate is made directly to the persons who have an interest in the estate, the releasing Party shall take appropriate action

to assist in making available to the other Party the distributive share of each German enemy.

B. Notwithstanding the provisions of Paragraph A of this Article, where a non-enemy domiciled in the territory of one Party has died owning immovable property in the territory of another Party and an interest in the property devolves upon or is to be distributed to a German enemy under the will of the deceased or under the applicable laws of descent, the interest may be retained by the latter Party, subject to the rights of non-enemy creditors of the deceased or of non-enemy heirs to whom, under applicable law, a portion of the immovable property is reserved.

C. This Article shall not apply to any property in the estate of a deceased if the property was administered and distributed before the Party in whose territory the property was located instituted war-time emergency measures applicable to the administration and distribution of the property of the deceased.

D. For the purposes of this Article, the domicile of a deceased shall be determined according to the law of the Party within whose jurisdiction the property is located.

Art. 8. Property within the jurisdiction of a Party which is held under a bona fide trust or other bona fide fiduciary arrangement in which a German enemy has an interest as a beneficiary or otherwise, and which trust or fiduciary arrangement is being administered under the laws of another Party, shall be released from the control of the custodian authorities of the former Party, except that such Party may retain any interest of a German enemy in immovable property located in its territory. Such release shall not be obligatory under this Part of this Annex in cases where the trust or other fiduciary arrangement was established by a person resident in Germany, or a German enemy, or a person who

subsequently became a German enemy.

Art. 9. The Party in favour of which property is released under this Part of this Annex shall recognise the rights of non-enemies in the estate, trust or other fiduciary arrangement.

Art. 10. The principles of Part I of this Annex shall not be applicable to property released under this Part or distributed to the custodian authorities of a Party from an estate, bona fide trust or other bona fide fiduciary arrangement governed by this Part.

PART III: PROPERTY OWNED BY ENTERPRISES ORGANISED UNDER THE LAWS OF A PARTY

Art. 11.—A. This Part shall apply to property situated within the jurisdiction of a Party and owned by an enterprise organised under the laws of another Party in which enterprise there was a direct or indirect German enemy interest on the material date. The Party within whose jurisdiction the property is situated shall be referred to as the "secondary country" with respect to that property. The enterprise owning the property shall be referred to as the "primary company" with respect to that property. The Party under whose laws the enterprise is organised shall be referred to as the "primary country" with respect to that property. The terms "enterprise" and "company" shall include any firm or body of persons, whether corporate or unincorporate. Property of an enterprise organised in the form of a trust, and property of a banking or financial institution other than the foreign currency cover accounts governed by Article 5 of this Annex, shall be dealt with under this Part. However, this exception with respect to cover accounts shall not be construed to imply that any cover accounts are or are not the property of the institution.

B. An enterprise shall be deemed to be German controlled if at the material date German enemies held directly or indirectly:

(i) 50 percent or more of the voting rights, outstanding capital stock or other proprietorship interests, or

(ii) participating rights in a voting trust arrangement which rights represented 50 percent or more of such voting rights, outstanding capital stock or other proprietorship interests;

or if at the material date German enemies directly or indirectly controlled the policy, management, voting power or operations of the enterprise. The property in the secondary country shall be deemed to be German controlled if at the material date German enemies directly or indirectly controlled the policy, management, use, or operation of the property.

Art. 12. Except as otherwise provided in this Agreement, all property in a secondary country owned by a primary company shall be released by the secondary country and the secondary country shall be entitled to receive reimbursement from the primary country in an amount representing that portion of the value of the property in the secondary country which corresponds to the percentage of direct and indirect German enemy interest in the primary company on the material date. Release in each case shall take place as soon as an agreement has been reached between the countries concerned on whether either the property in the secondary country or the primary company shall be treated as German controlled and on the general limits of, and method of calculating, the percentage of direct and indirect German enemy interest in the primary company on the material date. If the property in the secondary country and the primary company are not German controlled,

the property shall be released forth-without reimbursement.

Art. 13.—A. Release of property in a secondary country shall be made in kind unless:

(i) the property has been liquidated by the secondary country prior to the date on which the Agreement comes into force in respect of that country; or

(ii) the primary and secondary countries concerned agree that release in kind would not be practicable or the primary company consents to the sale or liquidation of the property by the secondary country; or

(iii) the property in the secondary country is a production enterprise or a substantial interest therein, and such property or the primary company concerned is German controlled and, after full consideration of the economic interest of the primary country, the secondary country determines in exceptional cases that its national security nevertheless requires retention of the property and gives notice to the primary country to that effect.

B. Where release is not made in kind, the secondary country shall release in substitution the proceeds of the sale or liquidation of the property which would otherwise have been released in kind. If such property has not been sold or liquidated within one year after agreement or consent under sub-paragraph (ii) of Paragraph A of this Article or the giving of notice under sub-paragraph (iii) thereof, or within an agreed extension beyond that period, the value of the property retained as determined by accepted principles of valuation shall be released.

Art. 14. Reimbursement shall be paid to the secondary country by the primary country in the currency of the secondary country within two years after the date of release of the property. Payment may be delayed, however, in accordance with

foreign exchange restrictions applicable generally to payment of capital obligations from time to time in effect in the primary country, provided that such restrictions are maintained in accordance with the Articles of Agreement of the International Monetary Fund and provided further that in any event full payment shall be made within seven years after the date of the release. Interest at the rate of 2 per cent per annum shall be paid to the secondary country by the primary country on such balance of reimbursement as remains unpaid at and after the end of the two year period.

Art. 15. Where administrative difficulty to the secondary country requires it or in other special circumstances the secondary and primary countries concerned may agree that the secondary country shall retain that proportion of the value of the property in the secondary country to which it is entitled under the provisions of Article 12 of this Annex. In such event, the secondary country shall release the excess of the property above the amount to which it is entitled and such excess shall inure to the benefit solely of the non-enemy interests in the primary company.

Art. 16. Where the primary company is a dummy company or is a holding company whose outstanding stock is closely held or is not regularly traded in a recognised financial market, the secondary country, notwithstanding the provisions of Article 12 of this Annex, may retain that proportion of the property in the secondary country which corresponds to the percentage of direct and indirect German enemy interest in the dummy or holding company on the material date. In such event, the secondary country shall release the excess of the property above the amount to which it is entitled and such excess shall inure to the benefit solely of the non-enemy interests in the primary company.

Art. 17. It is contemplated that the proportion of the value of the property in the secondary country which corresponds to the percentage of the direct and indirect non-enemy interests in the primary company shall inure to the benefit of such non-enemy interests. In arrangements for release and reimbursement made under this Part between two or more Parties, the Parties shall make reasonable provisions to avoid injury to interests in the primary company of non-enemies who are nationals of a third Party.

Art. 18. In applying the rules of this Part to a case involving a chain of companies, releases of property and reimbursement payments shall be made between secondary countries and their respective primary companies and countries. On the other hand, in calculating the percentage of direct and indirect German enemy interest in each of the successive primary companies, such interests shall be traced through the entire chain of companies.

Art. 19. With respect to the types of property covered by Articles 1 to 4 inclusive of this Annex, owned by enterprises governed by Part III of this Annex, that country which would be entitled to obtain release of property under the principles of such Articles shall be regarded as the secondary country for the purposes of Part III; in the case of foreign currency accounts under Article 5 of this Annex, maintained in favour of an enterprise governed by Part III, the country where the primary account is maintained and the country where the cover account is maintained shall each be regarded as the secondary country for the purposes of Part III to the extent of 50 per cent of the foreign currency cover account.

Art. 20. An enterprise organised under the laws of Germany shall be considered as wholly German enemy for the purpose of administering this

Part, but property which is received in reimbursement or retained by any country under this Part shall be available for the protection of non-enemy interests in such enterprise, in accordance with the provisions of Part IV of this Annex.

PART IV: PROPERTY OWNED BY ENTERPRISES ORGANISED UNDER THE LAWS OF GERMANY

Art. 21. This Part shall apply to property within the jurisdiction of a Party owned by an enterprise organised under the laws of Germany in which enterprise non-enemy nationals of Parties directly or indirectly have, and on September 1, 1939, had an interest. Non-enemy nationals of Parties referred to in this Part must have been nationals of Parties as of September 1, 1939.

Art. 22. For the protection of the interests in the enterprise of non-enemy nationals, referred to in Article 21 of this Annex, the property to which this Part applies shall, subject to the provisions of Articles 23 and 24 of this Annex, be released to the extent of those interests and pursuant to arrangements to be made between the Parties concerned, if non-enemy nationals of Parties directly or indirectly:

(i) own and, on September 1, 1939, owned 25% or more of the shares in the enterprise; or

(ii) control and, on September 1, 1939, controlled the enterprise.

Art. 23. No Party shall be obliged to release property under this Part, in respect of which no claim, sponsored by another Party, has been received by the former Party within one year after the coming into force of the Agreement between the respective Parties. Before sponsoring a claim under this Part, a Party shall be satisfied by a claimant, being one of its nationals, that Article 22 of this Annex applies. Where a claim is filed with the Party in whose juris-

diction the property is located and Article 22 of this Annex applies, such Party shall notify all other Parties and shall consider the claims of all non-enemy nationals of Parties who qualify under Article 21 of this Annex.

Art. 24.—A. Release of property under this Part shall be made in kind unless:

(i) the property has been liquidated prior to the date on which an eligible sponsored claim is filed with respect to the property pursuant to Article 23 of this Annex; or

(ii) the Parties concerned agree that release in kind would not be practicable; or

(iii) the property to be released is a production enterprise or a substantial interest therein, and such property or the enterprise organised under the laws of Germany is German controlled and, after full consideration of the economic interests of the other Party or Parties concerned, the Party in whose jurisdiction the property is located determines in exceptional cases that its national security nevertheless requires retention of the property and gives notice to the other Party or Parties to that effect.

B. Where release is not made in kind, there shall be released in substitution the proceeds of the sale or liquidation of the property which would otherwise have been released in kind. If such property has not been sold or liquidated within one year after agreement under sub-paragraph (ii) of Paragraph A of this Article or the giving of notice under sub-paragraph (iii) thereof, or within an agreed extension beyond that period, the value of the property retained as determined by accepted principles of valuation shall be released.

Art. 25. With respect to the types of property covered by Articles 1 to 4 inclusive of this Annex, owned by enterprises governed by Part IV of

this Annex, property shall be regarded as being within the jurisdiction of the Party which would be entitled to obtain the release of such property under the principles of such Articles; in the case of foreign currency accounts under Article 5 of this Annex, maintained in favour of an enterprise governed by Part IV, the country where the primary account is maintained and the country where the cover account is maintained shall each be regarded as having jurisdiction over the property to the extent of 50% of the foreign currency cover account.

PART V: INTERPRETATION AND APPLICATION

Art. 26.—A. A Party shall not be obliged to release an enemy interest in property to another Party or to an enterprise organised under the laws of that other Party except to the extent that such interest will be treated directly or indirectly by the recipient Party as German enemy.

B. A Party obliged under the Agreement to release property shall not be required to reverse any act of liquidation which has been carried out by sale, redemption or otherwise. The vesting, sequestration or confiscation of property shall not be regarded as constituting liquidation for the purposes of the Agreement.

C. Except as otherwise expressly provided in the Agreement, a Party obliged to release property shall, if the property has been liquidated, release the proceeds of such liquidation.

D. Except as otherwise expressly provided in the Agreement, a Party obliged to release property shall release all income or other benefits (in cash or otherwise) which have been received by it or by any person in its territory acting under its authority in respect of that property.

E. The Party to which property is released under the Agreement shall

fully recognise bona fide liens or pledges thereon legally obtained within the territory of the releasing Party which became effective prior to the date when the recipient Party took war-time emergency measures to prevent the acquisition of liens or pledges with respect to such property or the date when the territory of the recipient Party was invaded by Germany and were valid under the laws of the recipient Party in effect prior to such date. A releasing Party shall not be obliged hereby to take any measures to set aside any bona fide lien or pledge valid under its laws which arose or was created either (a) prior to the date on which the releasing Party took war-time emergency measures to prevent the acquisition of such liens or pledges with respect to the property involved, or (b) after such date under license or other authorisation by such Party.

F. Administrative charges and expenses of conservation and liquidation shall be borne by the recipient Party unless that Party requests the releasing Party to bear a portion thereof. In such event the obligation of the releasing Party shall be limited to the amount of the income or other benefits (if any) which the recipient Party establishes were received and were retained under the Agreement by the releasing Party or by any person in its territory acting under its authority with respect to the specific property released.

G. Where property is subject to release under the Agreement the method of delivery and the payment of any delivery costs shall be arranged between the Parties concerned.

H. (i) A Party shall not be required under the Agreement to make a release of property so long as there is pending any judicial or administrative proceeding in the territory of:

(a) The releasing Party, if the proceeding requires retention of the

property by that Party or may result in a determination that the property is not directly or indirectly German enemy owned or controlled;

(b) the recipient Party, if the proceeding may result in a determination that the property is not directly or indirectly German enemy owned or controlled and may thus prevent that Party from treating the released property as German enemy.

(ii) If, after property is released under the Agreement:

(a) the recipient Party is obliged as a result of litigation in its territory to surrender custodian control of the property, the releasing Party may reassert its custodian control over the property in order to make an independent test of the litigated issue;

(b) the releasing Party is obliged as a result of litigation in its territory to make a disposition of the property which release has prevented it from making, that Party may reassert custodian control over the property in order to comply with the obligation imposed by the litigation.

If reassertion of custodian control by the releasing Party is required under this sub-paragraph, the recipient Party shall take appropriate action to facilitate such reassertion.

(iii) At the request of the releasing Party, appropriate arrangements shall be made by the recipient Party prior to the release of any property:

(a) assuring the releasing Party that it will be able to regain custodian control over the property or of the proceeds of sale or liquidation or of the value thereof, if required under the terms of sub-paragraph (ii) above;

(b) for indemnification of charges or expenses which may be incurred by the releasing Party with respect to the released property after the date of release.

I. The release of property under the provisions of the Agreement

shall not terminate or otherwise affect the dedication of patents to the public, the placing of patents in the public domain or the grant of licenses to patents with or without royalty, pursuant to the provisions of Articles 1 or 2 of the German Patent Accord signed in London on July 27, 1946, or other agreement, when such action is taken prior to the release of the property.

J. A Party shall be entitled at its discretion to refuse to accept a release under the provisions of the Agreement and in such event shall not be liable for payment of the charges and expenses referred to in Paragraphs F and G and sub-paragraph (iii) of Paragraph H of this Article.

Art. 27.—A. Nothing in the Agreement shall oblige any Party to recognise:

(i) any transfer of, or other transaction relating to, a German enemy interest, occurring after the institution of war-time emergency measures by that Party or after the invasion of the territory of that Party by Germany;

(ii) any transfer of non-enemy property in Germany to German enemies, or any assumption by German enemies from non-enemies, of control over property in Germany, which was forced without adequate consideration by action of the Government of Germany whether before or after September 1, 1939. This sub-paragraph shall apply only to property of, or controlled by, non-enemies who were nationals of Parties at the time of the transfer of the property or the assumption of control over the property.

B. In determining whether any property is owned or controlled by a German enemy no transfer to a German enemy or dealings with a German enemy shall be taken into account which represent looting or forced transfers within the meaning of the Inter-Allied Declaration of

January 5, 1943, against Acts of Dispossession.

Art. 28. Property which is held for the benefit of a German enemy by any individual or body of persons, corporate or unincorporate, as a cloak, nominee, agent, trustee or in any other capacity, shall be regarded as directly owned by that German enemy. The question of recognising any interest which the holder of such property may claim therein shall not be prejudiced by the foregoing but shall be resolved in each case by negotiation between the Parties concerned.

Art. 29. The assertion of custodian control over a German enemy interest in property within the territory of one Party shall not be deemed to have destroyed the German enemy interest in property within the territory of another Party.

Art. 30. A branch or other similar office within the territory of a Party of an enterprise organised under the laws of another country shall be regarded as a separate entity located within the territory of the Party. A partnership having its principal office in the territory of any Party shall be regarded as an enterprise located in that territory regardless of the residence or domicile of the partners.

Art. 31. Where under the Agreement special problems arise respecting a complex organisation having subsidiary or affiliated organisations with properties within the territories of several of the Parties, a committee composed of representatives of each of the interested Parties may be constituted to consider the problems and make recommendations for their solution.

Art. 32. Parties shall exchange information and otherwise cooperate for the purpose of giving effect to the Agreement; provided that information given pursuant hereto shall be regarded as confidential by the Party receiving it which undertakes

to use it exclusively for the purpose of implementing the Agreement and the Paris Agreement on Reparation of January 24, 1946.

Art. 33. Nothing in the Agreement shall be construed to confer any right on an individual or body of persons, corporate or unincorporate, to prosecute a claim in any court or administrative tribunal against his or their Government or against any other Party.

Art. 34. In this Annex:

(i) the term "property" shall include all rights, titles and interests in property;

(ii) the expression "war-time emergency measures" means the measures for the control of German enemy owned property, or of transactions by or on behalf of German enemies taken by a Party on or after September 1, 1939 whether or not taken prior to that Government's actual participation in the War;

(iii) the expression "the material date" means the day on which the secondary country as defined in Part III of this Annex came into the war or took war-time emergency measures, whichever is earlier.

PART VI: CONCILIATION

Art. 35. In order to give effect to the provisions of Article 4 of the Agreement to which this is the Annex, a Panel of Conciliators consisting of seven members shall be established in the following manner:

(i) Each Party which has signed the Agreement before the expiry of six months after its coming into force may, by written notice to the Secretary General of the Inter-Allied Reparation Agency, nominate not more than three candidates for election to the Panel, and the Secretary General shall not accept any nomination after the expiry of that period.

(ii) The Secretary General shall, by secret ballot, conduct an election of the Panel of Conciliators and only

those Parties which have signed the Agreement before the expiry of six months after its coming into force shall be entitled to vote.

(iii) Each Party shall be entitled to cast one vote in respect to each vacancy on the Panel. A Party shall not cast more than one vote for any one candidate.

(iv) The seven candidates receiving the highest number of votes shall be elected to the Panel; provided that no candidate shall be elected who has not received the vote of at least two-thirds of the Parties voting, and provided that not more than two nationals of the same country shall be elected.

(v) From the seven members of the Panel so elected, the Parties entitled to vote, exercising one vote each, shall elect by secret ballot a President of the Panel by a majority of at least two-thirds of the votes cast.

(vi) In case of the death or retirement of the President or any other member of the Panel, the vacancy shall be filled by vote of the then Parties. Each Party may nominate one candidate, and election shall be by a majority of at least two-thirds of the votes cast.

Art. 36. Immediately upon its election the Panel shall formulate, for its internal organisation and its work, such basic rules as it deems necessary. A fee therefor shall be paid to the members of the Panel by the Parties specified in sub-paragraph (ii) of Article 35 at a rate fixed by the Secretary General of the Inter-Allied Reparation Agency.

Art. 37.—A. If a dispute is not resolved within a reasonable time by negotiation as provided in Article 4 of the Agreement to which this is the Annex, a Party may request the President of the Panel of Conciliators referred to in Article 35 of this Annex to appoint from the Panel an impartial Conciliator who shall hear the Parties and may call for addi-

tional evidence. The Conciliator shall formulate a solution which is in his opinion the best possible solution in the spirit of the Agreement, and the solution so formulated shall be binding upon the Parties concerned and final.

B. The President shall, upon application of any of the parties in dispute, determine whether a reasonable time has elapsed before submission of the case to conciliation under Paragraph A of this Article; provided that a period of less than one year from the commencement of negotiations between the Parties in dispute shall not be considered a reasonable time for the purposes of this Paragraph.

Art. 38. The question whether in the opinion of the secondary country, its national security requires the retention of property under sub-

paragraph (iii) of Paragraph A of Article 13 of this Annex and subparagraph (iii) of Paragraph A of Article 24 of this Annex shall not be subject to the procedure of conciliation.

Art. 39. The Conciliator shall not be entitled to grant any modification of the obligation to make full payment in the currency of the secondary country within seven years after the date of the release as required by Article 14 of this Annex.

Art. 40. Each Party in dispute shall pay to the Conciliator such fees and expenses as he may determine. Any such Party may request the President of the Panel to review the fees and expenses fixed by the Conciliator, or their allocation between the Parties. The decision of the President on the matter shall be final.

No. 659

AGREEMENT for the Establishment of an International Military Tribunal. Signed at London, August 8, 1945.

ACCORD sur la création d'un Tribunal Militaire International. Signé à Londres, 8 août 1945.

EDITOR'S NOTE. This Agreement was drafted at a conference held in London, June 26–August 8, 1945. A declaration on German war crimes had been adopted by governments of nine occupied countries at London, January 13, 1942. 2 *Inter-Allied Review* (1942), pp. 2, 32. A United Nations War Crimes Commission was established in 1943; its history was published in London in 1948. A declaration on German atrocities in Occupied Europe was issued by the Moscow Conference of Foreign Secretaries, October 30, 1943. 9 *U.S. Department of State Bulletin* (1943), p. 310.

RATIFICATIONS. This Agreement was not subject to ratification. On October 1, 1946, it was acceded to by Australia, Belgium, Czechoslovakia, Denmark, Ethiopia, Greece, Haiti, Honduras, India, Luxemburg, Netherlands, New Zealand, Norway, Panama, Paraguay, Poland, Uruguay, Venezuela, and Yugoslavia.

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ments presented to the Tribunal and its judgment have been published by the Office of United States Chief of Counsel for Prosecution of Axis Criminality in *Nazi Conspiracy and Aggression* (Washington, 1946-1948), 11 vols. The proceedings before the Tribunal and the documents admitted in evidence have been published at Nuremberg (42 vols. in English, 40 vols. in German, and 27 vols. in French), and at London (19 vols.). The judgment of the Tribunal has also been published in *Br. Parl. Papers*, Misc. No. 12 (1946), Cmd. 6964; 6 *Federal Rules Decisions* (1946), p. 69.

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Entered into force August 8, 1945.

Text from *U.S. Executive Agreement Series*, No. 472.

Whereas the United Nations have from time to time made declarations of their intention that War Criminals shall be brought to justice;

And whereas the Moscow Declaration of the 30th October 1943 on German atrocities in Occupied Europe stated that those German Officers and men and members of the Nazi Party who have been responsible for or have taken a consenting part in atrocities and crimes will be sent back to the countries in which their abominable deeds were done in order that they may be judged and punished according to the laws of these liberated countries and of the free Governments that will be created therein:

And whereas this Declaration was stated to be without prejudice to the case of major criminals whose offenses have no particular geographi-

Considérant que les Nations Unies ont, à diverses reprises, proclamé leur intention de traduire en justice les criminels de guerre,

Considérant que la Déclaration publiée à Moscou le 30 octobre 1943 sur les atrocités allemandes en Europe occupée a spécifié que les officiers et soldats allemands et les membres du parti nazi qui sont responsables d'atrocités et de crimes, ou qui ont pris volontairement part à leur accomplissement, seront renvoyés dans les pays où leurs forfaits abominables ont été perpétrés, afin qu'ils puissent être jugés et punis conformément aux lois de ces pays libérés et des Gouvernements libres qui y seront établis;

Considérant que cette Déclaration était faite sous réserve du cas des grands criminels, dont les crimes sont sans localisation géographique

cal location and who will be punished by the joint decision of the Governments of the Allies;

Now therefore the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Union of Soviet Socialist Republics (hereinafter called "the Signatories") acting in the interests of all the United Nations and by their representatives duly authorized thereto have concluded this Agreement.

Article 1. There shall be established after consultation with the Control Council for Germany an International Military Tribunal for the trial of war criminals whose offenses have no particular geographical location whether they be accused individually or in their capacity as members of organizations or groups or in both capacities.

Art. 2. The constitution, jurisdiction and functions of the International Military Tribunal shall be those set out in the Charter annexed to this Agreement, which Charter shall form an integral part of this Agreement.

Art. 3. Each of the Signatories shall take the necessary steps to make available for the investigation of the charges and trial the major war criminals detained by them who are to be tried by the International Military Tribunal. The Signatories shall also use their best endeavors to make available for investigation of the charges against and the trial before the International Military Tribunal such of the major war criminals as are not in the territories of any of the Signatories.

Art. 4. Nothing in this Agreement shall prejudice the provisions established by the Moscow Declaration concerning the return of war criminals to the countries where they committed their crimes.

précise et qui seront punis par une décision commune des gouvernements alliés;

En conséquence, le Gouvernement Provisoire de la République Française et les Gouvernements des Etats-Unis d'Amérique, du Royaume-Uni de Grande Bretagne et de l'Irlande du Nord, et de l'Union des Républiques Socialistes Soviétiques (dénommés ci-après "les Signataires"), agissant dans l'intérêt de toutes les Nations Unies, ont, par leurs Représentants dûment autorisés, conclu le présent Accord:

1. Un Tribunal Militaire International sera établi, après consultation avec le Conseil de Contrôle en Allemagne, pour juger les criminels de guerre dont les crimes sont sans localisation géographique précise, qu'ils soient accusés individuellement, ou à titre de membres d'organisations ou de groupes, ou à ce double titre.

2. La constitution, la juridiction et les fonctions du Tribunal Militaire International sont prévus dans le statut annexé au présent Accord, ce statut formant partie intégrale de l'Accord.

3. Chaque Signataire prendra les mesures nécessaires pour assurer la présence aux enquêtes, et au procès, des grands criminels de guerre qu'il détient et qui devront être jugés par le Tribunal Militaire International. Les Signataires devront également employer tous leurs efforts pour assurer la présence aux enquêtes et au procès devant le Tribunal Militaire International de ceux des grands criminels qui ne se trouvent pas sur le territoire de l'un des Signataires.

4. Aucune disposition du présent Accord ne porte atteinte aux principes fixés par la Déclaration de Moscou en ce qui concerne le renvoi des criminels de guerre dans les pays où ils ont commis leurs crimes.

Art. 5. Any Government of the United Nations may adhere to this Agreement by notice given through the diplomatic channel to the Government of the United Kingdom, who shall inform the other signatory and adhering Governments of each such adherence.

Art. 6. Nothing in this Agreement shall prejudice the jurisdiction or the powers of any national or occupation court established or to be established in any allied territory or in Germany for the trial of war criminals.

Art. 7. This Agreement shall come into force on the day of signature and shall remain in force for the period of one year and shall continue thereafter, subject to the right of any Signatory to give, through the diplomatic channel, one month's notice of intention to terminate it. Such termination shall not prejudice any proceedings already taken or any findings already made in pursuance of this Agreement.

IN WITNESS WHEREOF the Undersigned have signed the present Agreement.

Done in quadruplicate in London this 8th day of August 1945 each in English, French and Russian, and each text to have equal authenticity.

5. Tous les Gouvernements des Nations Unies peuvent adhérer à cet Accord par avis donné par voie diplomatique au Gouvernement du Royaume-Uni, lequel notifiera chaque adhésion aux autres gouvernements signataires et adhérents.

6. Aucune disposition du présent Accord ne porte atteinte à la juridiction ou à la compétence des tribunaux nationaux ou des tribunaux d'occupation déjà établis, ou qui seront créés, dans les territoires alliés ou en Allemagne pour juger les criminels de guerre.

7. Cet Accord entrera en vigueur au jour de la signature; il restera en vigueur pendant une période d'un an et portera ensuite effet, sous réserve du droit de tout Signataire d'indiquer par la voie diplomatique, avec un préavis d'un mois, son intention d'y mettre fin. Cette résiliation ne portera pas atteinte aux mesures déjà prises ni aux décisions déjà rendues, en exécution du présent Accord.

EN FOI DE QUOI les Soussignés ont signé le présent Accord.

Etabli en quatre exemplaires à Londres ce 8^{ème} jour du mois d'août 1945 en français, anglais et russe, chacun des textes étant un texte authentique.

[Signed:] For the Government of the **United States of America**, ROBERT H. JACKSON; for the Provisional Government of the **French Republic**, ROBERT FALCO; for the Government of the **United Kingdom of Great Britain and Northern Ireland**, JOWITT C.; for the Government of the **Union of Soviet Socialist Republics**, I. NIKITCHENKO, A. TRAININ.

No. 659a

Charter of the International Military Tribunal. Annexed to the Agreement signed at London, August 8, 1945.

Statut du Tribunal Militaire International. Annexé à l'Accord signé à Londres, 8 août 1945.

EDITOR'S NOTE. Slight changes in the text of this Charter, indicated in footnotes, were made by a protocol signed at London, October 6, 1945. *U.S. Executive Agreement Series*, No. 472, p. 45. The International Military Tribunal held a first meeting at Berlin, October 18, 1945; a single trial of twenty-two accused persons and of six organizations was conducted at Nuremberg, November 14, 1945–October 1, 1946, and a judgment was announced on the latter date. The International Criminal Court, envisaged in the convention of November 16, 1937 (No. 500, *ante*), was never established.

BIBLIOGRAPHY. See the bibliography under No. 659, *ante*.

Entered into force August 8, 1945.

Text from *U.S. Executive Agreement Series*, No. 472, pp. 3, 23.

**I. CONSTITUTION OF THE
INTERNATIONAL MILITARY
TRIBUNAL**

Article 1. In pursuance of the Agreement signed on the 8th day of August 1945 by the Government of the United States of America, the Provisional Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Union of Soviet Socialist Republics, there shall be established an International Military Tribunal (hereinafter called "the Tribunal") for the just and prompt trial and punishment of the major war criminals of the European Axis.

Art. 2. The Tribunal shall consist of four members, each with an alternate. One member and one alternate shall be appointed by each of the Signatories. The alternates shall, so far as they are able, be present at all sessions of the Tribunal. In case of illness of any member of the Tribunal or his incapacity for some other reason to fulfill his functions, his alternate shall take his place.

Art. 3. Neither the Tribunal, its members nor their alternates can be

**I. CONSTITUTION DU TRIBUNAL
MILITAIRE INTERNATIONAL**

Article 1. En exécution de l'accord signé le 8 Août 1945 par le Gouvernement Provisoire de la République Française et les Gouvernements des Etats-Unis d'Amérique, du Royaume Uni de Grande Bretagne et de l'Irlande du Nord, et de l'Union des Républiques Socialistes Soviétiques, un Tribunal Militaire International (dénommé ci-après "le Tribunal") sera créé pour juger et punir, de façon appropriée et sans délai, les grands criminels de guerre des pays européens de l'Axe.

Art. 2. Le Tribunal sera composé de quatre juges, assistés chacun d'un suppléant. Chacune des puissances signataires désignera un juge et un juge suppléant. Les suppléants devront, dans la mesure du possible, assister à toutes les séances du Tribunal. En cas de maladie d'un membre du Tribunal, ou si, pour toute autre raison, il n'est pas en mesure de remplir ses fonctions, son suppléant siégera à sa place.

Art. 3. Ni le Tribunal, ni ses membres, ni leurs suppléants ne

challenged by the prosecution, or by the Defendants or their Counsel. Each Signatory may replace its member of the Tribunal or his alternate for reasons of health or for other good reasons, except that no replacement may take place during a Trial, other than by an alternate.

Art. 4.—(a) The presence of all four members of the Tribunal or the alternate for any absent member shall be necessary to constitute the quorum.

(b) The members of the Tribunal shall, before any trial begins, agree among themselves upon the selection from their number of a President, and the President shall hold office during that trial, or as may otherwise be agreed by a vote of not less than three members. The principle of rotation of presidency for successive trials is agreed. If, however, a session of the Tribunal takes place on the territory of one of the four Signatories, the representative of that Signatory on the Tribunal shall preside.

(c) Save as aforesaid the Tribunal shall take decisions by a majority vote and in case the votes are evenly divided, the vote of the President shall be decisive: provided always that convictions and sentences shall only be imposed by affirmative votes of at least three members of the Tribunal.

Art. 5. In case of need and depending on the number of the matters to be tried, other Tribunals may be set up; and the establishment, functions, and procedure of each Tribunal shall be identical, and shall be governed by this Charter.

II. JURISDICTION AND GENERAL PRINCIPLES

Art. 6. The Tribunal established by the Agreement referred to in

pourront être récusés par le Ministère Public, par les accusés, ou par les défenseurs. Chaque puissance signataire pourra remplacer le juge ou le suppléant désignés par elle, pour raisons de santé ou pour tout autre motif valable, mais aucun remplacement, autre que par un suppléant, ne devra être effectué pendant le cours d'un procès.

Art. 4. a) La présence des quatre membres du Tribunal ou, en l'absence de l'un d'eux, de son suppléant, sera nécessaire pour constituer le quorum.

b) Avant l'ouverture de tout procès, les membres du Tribunal s'entendront pour désigner l'un d'entre eux comme président, et le président remplira ses fonctions pendant toute la durée du procès, à moins qu'il n'en soit décidé autrement par un vote réunissant au moins trois voix. La présidence sera assurée à tour de rôle par chaque membre du Tribunal pour les procès successifs. Cependant, au cas où le Tribunal siègerait sur le territoire de l'une des quatre puissances signataires, le représentant de cette puissance assumera la présidence.

c) Sous réserve des dispositions précédentes, le Tribunal prendra ses décisions à la majorité des voix, en cas de partage égal des voix, celle du Président sera prépondérante: étant entendu toutefois que les jugements et les peines ne seront prononcés que par un vote d'au moins trois membres du Tribunal.

Art. 5. En cas de nécessité et selon le nombre de procès à juger, d'autres Tribunaux pourront être créés; la composition, la compétence et la procédure de chacun de ces tribunaux seront identiques et seront réglées par le présent Statut.

II. JURIDICITION ET PRINCIPES GÉNÉRAUX

Art. 6. Le Tribunal établi par l'Accord mentionné à l'article 1

Article 1 hereof for the trial and punishment of the major war criminals of the European Axis countries shall have the power to try and punish persons who, acting in the interests of the European Axis countries, whether as individuals or as members of organizations, committed any of the following crimes.

The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:

(a) **CRIMES AGAINST PEACE:** namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;

(b) **WAR CRIMES:** namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity;

(c) **CRIMES AGAINST HUMANITY:** namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war; [1] or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in vio-

ci-dessus pour le jugement et le châtimement des grands criminels de guerre des pays européens de l'Axe sera compétent pour juger et punir toutes personnes qui, agissant pour le compte des pays européens de l'Axe, auront commis, individuellement ou à titre de membres d'organisations, l'un quelconque des crimes suivants.

Les actes suivants, ou l'un quelconque d'entre eux, sont des crimes soumis à la juridiction du Tribunal et entraînent une responsabilité individuelle:

a) **LES CRIMES CONTRE LA PAIX:** c'est à dire la direction, la préparation, le déclenchement ou la poursuite d'une guerre d'agression, ou d'une guerre en violation des traités, assurances ou accords internationaux, ou la participation à un plan concerté ou à un complot pour l'accomplissement de l'un quelconque des actes qui précèdent;

b) **LES CRIMES DE GUERRE:** c'est à dire les violations des lois et coutumes de la guerre. Ces violations comprennent, sans y être limitées, l'assassinat, les mauvais traitements et la déportation pour des travaux forcés, ou pour tout autre but, des populations civiles dans les territoires occupés, l'assassinat ou les mauvais traitements de prisonniers de guerre ou des personnes en mer, l'exécution des otages, le pillage des biens publics ou privés, la destruction sans motif des villes et des villages, ou la dévastation que ne justifient pas les exigences militaires;

c) **LES CRIMES CONTRE L'HUMANITÉ:** c'est à dire l'assassinat, l'extermination, la réduction en esclavage, la déportation, et tout autre acte inhumain commis contre toutes populations civiles, avant ou pendant la guerre; ou bien les persécutions pour des motifs politiques, raciaux ou religieux, commises à la suite de tout crime rentrant dans la

¹ [The contracting governments signed a protocol at Berlin on Oct. 6, 1945, which provides that this semicolon in the English text should be changed to a comma.]

lation of the domestic law of the country where perpetrated.

Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan.

Art. 7. The official position of defendants, whether as Heads of State or responsible officials in Government Departments, shall not be considered as freeing them from responsibility or mitigating punishment.

Art. 8. The fact that the Defendant acted pursuant to order of his Government or of a superior shall not free him from responsibility, but may be considered in mitigation of punishment if the Tribunal determines that justice so requires.

Art. 9. At the trial of any individual member of any group or organization the Tribunal may declare (in connection with any act of which the individual may be convicted) that the group or organization of which the individual was a member was a criminal organization.

After receipt of the Indictment the Tribunal shall give such notice as it thinks fit that the prosecution intends to ask the Tribunal to make such declaration and any member of the organization will be entitled to apply to the Tribunal for leave to be

compétence du Tribunal International ou s'y rattachant, que ces persécutions aient constitué ou non une violation du droit interne du pays où elles ont été perpétrées.^[1]

Les dirigeants, organisateurs, provocateurs ou complices qui ont pris part à l'élaboration ou à l'exécution d'un plan concerté ou d'un complot pour commettre l'un quelconque des crimes ci-dessus définis sont responsables de tous les actes accomplis par toutes personnes, en exécution de ce plan.

Art. 7. La situation officielle des accusés, soit comme chefs d'Etat, soit comme hauts fonctionnaires, ne sera considérée ni comme une excuse absolutoire ni comme un motif de diminution de la peine.

Art. 8. Le fait que l'accusé a agi conformément aux instructions de son gouvernement ou d'un supérieur hiérarchique ne le dégagera pas de sa responsabilité, mais pourra être considéré comme un motif de diminution de la peine, si le Tribunal décide que la justice l'exige.

Art. 9. Lors d'un procès intenté contre tout membre d'un groupe ou d'une organisation quelconques, le Tribunal pourra déclarer (à l'occasion de tout acte dont cet individu pourrait être reconnu coupable) que le groupe, ou l'organisation à laquelle il appartenait était une organisation criminelle.

Après avoir reçu l'acte d'accusation, le Tribunal devra faire connaître, de la manière qu'il jugera opportune, que le Ministère Public a l'intention de demander au Tribunal de faire une déclaration en ce sens et tout membre de l'organisation

¹ [The contracting governments signed a protocol at Berlin on Oct. 6, 1945, which provides that this part of the French text should be amended to read as follows:

(c) **LES CRIMES CONTRE L'HUMANITÉ:** c'est à dire l'assassinat, l'extermination, la réduction en esclavage, la déportation, et tout autre acte inhumain commis contre toutes populations civiles, avant ou pendant la guerre, ou bien les persécutions pour des motifs politiques raciaux ou religieux, lorsque ces actes ou persécutions, qu'ils aient constitué ou non une violation du droit interne du pays où ils ont été perpétrés, ont été commis à la suite de tout crime rentrant dans la compétence du Tribunal, ou en liaison avec ce crime.]

heard by the Tribunal upon the question of the criminal character of the organization. The Tribunal shall have power to allow or reject the application. If the application is allowed, the Tribunal may direct in what manner the applicants shall be represented and heard.

Art. 10. In cases where a group or organization is declared criminal by the Tribunal, the competent national authority of any Signatory shall have the right to bring individuals to trial for membership therein before national, military or occupation courts. In any such case the criminal nature of the group or organization is considered proved and shall not be questioned.

Art. 11. Any person convicted by the Tribunal may be charged before a national, military or occupation court, referred to in Article 10 of this Charter, with a crime other than of membership in a criminal group or organization and such court may, after convicting him, impose upon him punishment independent of and additional to the punishment imposed by the Tribunal for participation in the criminal activities of such group or organization.

Art. 12. The Tribunal shall have the right to take proceedings against a person charged with crimes set out in Article 6 of this Charter in his absence, if he has not been found or if the Tribunal, for any reason, finds it necessary, in the interests of justice, to conduct the hearing in his absence.

Art. 13. The Tribunal shall draw up rules for its procedure. These rules shall not be inconsistent with the provisions of this Charter.

aura le droit de demander au Tribunal à être entendu par celui-ci sur la question du caractère criminel de l'organisation. Le Tribunal aura compétence pour accéder à cette demande ou la rejeter. En cas d'admission de la demande, le Tribunal pourra fixer le mode selon lequel les requérants seront représentés et entendus.

Art. 10. Dans tous les cas où le Tribunal aura proclamé le caractère criminel d'un groupe ou d'une organisation, les autorités compétentes de chaque signataire auront le droit de traduire tout individu devant les tribunaux nationaux, militaires, ou d'occupation, en raison de son affiliation à ce groupe ou à cette organisation. Dans cette hypothèse, le caractère criminel du groupe ou de l'organisation sera considéré comme établi et ne pourra plus être contesté.

Art. 11. Toute personne condamnée par le Tribunal International pourra être inculpée devant un Tribunal national, militaire, ou d'occupation, mentionnés à l'article 10 ci-dessus, d'un crime autre que son affiliation à une organisation ou à un groupe criminels, et le Tribunal saisi pourra, après l'avoir reconnu coupable, lui infliger une peine supplémentaire et indépendante de celle déjà imposée par le Tribunal International pour sa participation aux activités criminelles de ce groupe ou de cette organisation.

Art. 12. Le Tribunal sera compétent pour juger en son absence tout accusé, ayant à répondre des crimes prévus par l'article 6 du présent Statut, soit que cet accusé n'ait pu être découvert, soit que le Tribunal l'estime nécessaire pour toute autre raison dans l'intérêt de la justice.

Art. 13. Le Tribunal établira les règles de sa procédure. Ces règles ne devront en aucun cas être incompatibles avec les dispositions du présent Statut.

III. COMMITTEE FOR THE INVESTIGATION AND PROSECUTION OF MAJOR WAR CRIMINALS

Art. 14. Each Signatory shall appoint a Chief Prosecutor for the investigation of the charges against and the prosecution of major war criminals.

The Chief Prosecutors shall act as a committee for the following purposes:

(a) to agree upon a plan of the individual work of each of the Chief Prosecutors and his staff,

(b) to settle the final designation of major war criminals to be tried by the Tribunal,

(c) to approve the Indictment and the documents to be submitted therewith,

(d) to lodge the Indictment and the accompanying documents with the Tribunal,

(e) to draw up and recommend to the Tribunal for its approval draft rules of procedure, contemplated by Article 13 of this Charter. The Tribunal shall have power to accept, with or without amendments, or to reject, the rules so recommended.

The Committee shall act in all the above matters by a majority vote and shall appoint a Chairman as may be convenient and in accordance with the principle of rotation: provided that if there is an equal division of vote concerning the designation of a Defendant to be tried by the Tribunal, or the crimes with which he shall be charged, that proposal will be adopted which was made by the party which proposed that the particular Defendant be tried, or the particular charges be preferred against him.

Art. 15. The Chief Prosecutors shall individually, and acting in collaboration with one another, also undertake the following duties:

III. COMMISSION D'INSTRUCTION ET DE POURSUITE DES GRANDS CRIMINELS DE GUERRE

Art. 14. Chaque signataire nommera un représentant du Ministère Public, en vue de recueillir les charges et d'exercer la poursuite contre les grands criminels de guerre.

Les représentants du Ministère Public formeront une commission aux fins suivantes:

a) décider d'un plan de travail individuel de chaque représentant du Ministère Public et de son personnel;

b) désigner en dernier ressort les grands criminels de guerre qui devront être traduits devant le Tribunal;

c) approuver l'acte d'accusation et les documents annexes;

d) saisir le Tribunal de l'acte d'accusation et des documents joints;

e) rédiger et recommander à l'approbation du Tribunal les projets de règles de procédure prévus par l'article 13 du présent Statut. Le Tribunal sera compétent pour accepter, avec ou sans amendements, ou pour rejeter les règles qui lui seront proposées.

La Commission devra se prononcer sur tous les points ci-dessus spécifiés par un vote émis à la majorité et désignera un président en cas de besoin, en observant le principe du roulement; il est entendu que, en cas de partage égal de voix en ce qui concerne la désignation d'un accusé à traduire devant le Tribunal ou les crimes dont il sera accusé, sera adoptée la proposition du Ministère Public qui a demandé que cet accusé soit traduit devant le Tribunal ou qui a soumis les chefs d'accusation contre lui.

Art. 15. Les membres du Ministère Public, agissant individuellement et en collaboration les uns avec les autres, auront également les fonctions suivantes:

(a) investigation, collection and production before or at the Trial of all necessary evidence,

(b) the preparation of the Indictment for approval by the Committee in accordance with paragraph

(c) of Article 14 hereof,

(c) the preliminary examination of all necessary witnesses and of the Defendants,

(d) to act as prosecutor at the Trial,

(e) to appoint representatives to carry out such duties as may be assigned to them,

(f) to undertake such other matters as may appear necessary to them for the purposes of the preparation for and conduct of the Trial.

It is understood that no witness or Defendant detained by any Signatory shall be taken out of the possession of that Signatory without its assent.

IV. FAIR TRIAL FOR DEFENDANTS

Art. 16. In order to ensure fair trial for the Defendants, the following procedure shall be followed:

(a) The Indictment shall include full particulars specifying in detail the charges against the Defendants. A copy of the Indictment and of all the documents lodged with the Indictment, translated into a language which he understands, shall be furnished to the Defendant at a reasonable time before the Trial.

(b) During any preliminary examination or trial of a Defendant he shall have the right to give any explanation relevant to the charges made against him.

(c) A preliminary examination of a Defendant and his Trial shall be conducted in, or translated into, a language which the Defendant understands.

(d) A defendant shall have the right to conduct his own defense

a) recherche, réunion et présentation de toutes les preuves nécessaires, avant et au cours du procès;

b) préparation de l'acte d'accusation en vue de son approbation par la Commission, conformément au paragraphe (c) de l'article 14;

c) interrogatoire préliminaire de tous les témoins jugés nécessaires et des accusés;

d) exercice des fonctions du Ministère Public au procès;

e) désignation de représentants pour exercer telles fonctions qui pourront leur être assignées;

f) poursuite de toute autre activité qui pourra leur apparaître nécessaire en vue de la préparation et de la conduite du procès.

Il est entendu qu'aucun témoin ou accusé détenu par l'un des signataires ne pourra être retiré de sa garde sans son consentement.

IV. PROCÈS ÉQUITABLE DES ACCUSÉS

Art. 16. Afin d'assurer que les accusés soient jugés avec équité, la procédure suivante sera adoptée:

a) l'acte d'accusation comportera les éléments complets spécifiant en détail les charges relevées à l'encontre des accusés. Une copie de l'acte d'accusation et de tous les documents annexes, traduits dans une langue qu'il comprend, sera remise à l'accusé dans un délai raisonnable avant le jugement;

b) au cours de tout interrogatoire préliminaire ou du procès d'un accusé, celui-ci aura le droit de donner toutes explications se rapportant aux charges relevées contre lui;

c) les interrogatoires préliminaires et le procès des accusés devront être conduits dans une langue que l'accusé comprend ou traduits dans cette langue;

d) les accusés auront le droit d'assurer eux-mêmes leur défense

before the Tribunal or to have the assistance of Counsel.

(e) A defendant shall have the right through himself or through his Counsel to present evidence at the Trial in support of his defense, and to cross-examine any witness called by the Prosecution.

V. POWERS OF THE TRIBUNAL AND CONDUCT OF THE TRIAL

Art. 17. The Tribunal shall have the power

(a) to summon witnesses to the Trial and to require their attendance and testimony and to put questions to them,

(b) to interrogate any Defendant,

(c) to require the production of documents and other evidentiary material,

(d) to administer oaths to witnesses,

(e) to appoint officers for the carrying out of any task designated by the Tribunal including the power to have evidence taken on commission.

Art. 18. The Tribunal shall

(a) confine the Trial strictly to an expeditious hearing of the issues raised by the charges,

(b) take strict measures to prevent any action which will cause unreasonable delay, and rule out irrelevant issues and statements of any kind whatsoever,

(c) deal summarily with any contumacy, imposing appropriate punishment, including exclusion of any Defendant or his Counsel from some or all further proceedings, but without prejudice to the determination of the charges.

Art. 19. The Tribunal shall not be bound by technical rules of evidence. It shall adopt and apply to the greatest possible extent expeditious and non-technical procedure,

devant le Tribunal, ou de se faire assister d'un avocat;

e) les accusés auront le droit d'apporter, au cours du procès, soit personnellement, soit par l'intermédiaire de leur avocat, toutes preuves à l'appui de leur défense, et de poser des questions à tous les témoins produits par l'accusation.

V. COMPÉTENCE DU TRIBUNAL ET CONDUITE DES DÉBATS

Art. 17. Le Tribunal sera compétent:

a) pour convoquer les témoins au procès, requérir leur présence et leur témoignage, et les interroger;

b) pour interroger les accusés;

c) pour requérir la production de documents et d'autres moyens de preuve;

d) pour faire prêter serment aux témoins;

e) pour nommer des mandataires officiels pour remplir toute mission qui sera fixée par le Tribunal, et notamment pour faire recueillir des preuves par délégation.

Art. 18. Le Tribunal devra:

a) limiter strictement le procès à un examen rapide des questions soulevées par les charges;

b) prendre des mesures strictes pour éviter toute action qui entraînerait un retard non justifié, et écarter toutes questions et déclarations étrangères au procès de quelque nature qu'elles soient;

c) agir sommairement en ce qui concerne les perturbateurs en leur infligeant une juste sanction, y compris l'exclusion d'un accusé ou de son défenseur de certaines phases de la procédure ou de toutes les phases ultérieures, mais sans que cela empêche de décider sur les charges.

Art. 19. Le Tribunal ne sera pas lié par les règles techniques relatives à l'administration des preuves. Il adoptera et appliquera autant que possible une procédure rapide et non

and shall admit any evidence which it deems to have probative value.

Art. 20. The Tribunal may require to be informed of the nature of any evidence before it is offered so that it may rule upon the relevance thereof.

Art. 21. The Tribunal shall not require proof of facts of common knowledge but shall take judicial notice thereof. It shall also take judicial notice of official governmental documents and reports of the United Nations, including the acts and documents of the committees set up in the various allied countries for the investigation of war crimes, and the records and findings of military or other Tribunals of any of the United Nations.

Art. 22. The permanent seat of the Tribunal shall be in Berlin. The first meetings of the members of the Tribunal and of the Chief Prosecutors shall be held at Berlin in a place to be designated by the Control Council for Germany. The first trial shall be held at Nuremberg, and any subsequent trials shall be held at such places as the Tribunal may decide.

Art. 23. One or more of the Chief Prosecutors may take part in the prosecution at each Trial. The function of any Chief Prosecutor may be discharged by him personally, or by any person or persons authorized by him.

The function of Counsel for a Defendant may be discharged at the Defendant's request by any Counsel professionally qualified to conduct cases before the Courts of his own country, or by any other person who may be specially authorized thereto by the Tribunal.

Art. 24. The proceedings at the Trial shall take the following course:

(a) The Indictment shall be read in court.

formaliste et admettra tout moyen qu'il estimera avoir une valeur probante.

Art. 20. Le Tribunal pourra exiger d'être informé du caractère de tout moyen de preuve avant qu'il ne soit présenté, afin de pouvoir statuer sur sa pertinence.

Art. 21. Le Tribunal n'exigera pas que soit rapportée la preuve de faits de notoriété publique mais les tiendra pour acquis. Il considérera également comme preuves authentiques les documents et rapports officiels des Gouvernements des Nations Unies y compris ceux dressés par les Commissions établies dans les divers pays alliés pour les enquêtes sur les crimes de guerre, ainsi que les procès-verbaux des audiences et les décisions des tribunaux militaires ou autres tribunaux de l'une quelconque des Nations Unies.

Art. 22. Le siège permanent du Tribunal sera à Berlin. La première réunion des membres du Tribunal, ainsi que celle des représentants du Ministère Public, se tiendra à Berlin, en un lieu qui sera fixé par le Conseil de Contrôle en Allemagne. Le premier procès se déroulera à Nuremberg et tous procès ultérieurs auront lieu aux endroits choisis par le Tribunal.

Art. 23. Un ou plusieurs représentants du Ministère Public pourront soutenir l'accusation dans chaque procès. Chaque représentant du Ministère Public pourra remplir ses fonctions personnellement ou autoriser toute personne à les remplir.

Les fonctions de défenseur peuvent être remplies sur la demande de l'accusé par tout avocat régulièrement qualifié pour plaider dans son propre pays ou par toute autre personne spécialement autorisée à cet effet par le Tribunal.

Art. 24. Le procès se déroulera dans l'ordre suivant:

a) l'acte d'accusation sera lu à l'audience;

(b) The Tribunal shall ask each Defendant whether he pleads "guilty" or "not guilty".

(c) The prosecution shall make an opening statement.

(d) The Tribunal shall ask the prosecution and the defense what evidence (if any) they wish to submit to the Tribunal, and the Tribunal shall rule upon the admissibility of any such evidence.

(e) The witnesses for the Prosecution shall be examined and after that the witnesses for the Defense. Thereafter such rebutting evidence as may be held by the Tribunal to be admissible shall be called by either the Prosecution or the Defense.

(f) The Tribunal may put any question to any witness and to any Defendant, at any time.

(g) The Prosecution and the Defense shall interrogate and may cross-examine any witnesses and any Defendant who gives testimony.

(h) The Defense shall address the court.

(i) The Prosecution shall address the court.

(j) Each Defendant may make a statement to the Tribunal.

(k) The Tribunal shall deliver judgment and pronounce sentence.

Art. 25. All official documents shall be produced, and all court proceedings conducted, in English, French and Russian, and in the language of the Defendant. So much of the record and of the proceedings may also be translated into the language of any country in which the Tribunal is sitting, as the Tribunal considers desirable in the interests of justice and public opinion.

VI. JUDGMENT AND SENTENCE

Art. 26. The judgment of the Tribunal as to the guilt or the innocence of any Defendant shall give the reasons on which it is based, and shall be final and not subject to review.

b) le Tribunal demandera à chaque accusé s'il plaide "coupable" ou non;

c) le Ministère Public fera une déclaration préliminaire;

d) le Tribunal demandera à l'accusation et à la défense quelles preuves elles entendent soumettre au Tribunal et se prononcera sur l'admissibilité de ces preuves;

e) les témoins produits par l'accusation seront entendus et il sera procédé ensuite à l'audition des témoins de la défense. Après quoi, tout moyen de réfutation qui sera admis par le Tribunal sera produit par l'accusation ou par la défense;

f) le Tribunal pourra poser toute question qu'il jugera utile, à tout témoin, à tout accusé, et à tout moment;

g) l'accusation et la défense pourront interroger tout témoin et tout accusé qui porte témoignage;

h) la défense plaidera;

i) le Ministère Public soutiendra l'accusation;

j) chaque accusé pourra faire une déclaration au Tribunal;

k) le Tribunal rendra son jugement et fixera la peine.

Art. 25. Tous les documents officiels seront produits et toute la procédure sera conduite devant la cour en français, en anglais, en russe et dans la langue de l'accusé. Le compte-rendu des débats pourra aussi être traduit dans la langue du pays où siégera le Tribunal, dans la mesure où celui-ci le considérera désirable dans l'intérêt de la justice et pour éclairer l'opinion publique.

VI. JUGEMENT ET PEINE

Art. 26. La décision du Tribunal relative à la culpabilité ou à l'innocence de tout accusé devra être motivée et sera définitive et non susceptible de révision.

Art. 27. The Tribunal shall have the right to impose upon a Defendant, on conviction, death or such other punishment as shall be determined by it to be just.

Art. 28. In addition to any punishment imposed by it, the Tribunal shall have the right to deprive the convicted person of any stolen property and order its delivery to the Control Council for Germany.

Art. 29. In case of guilt, sentences shall be carried out in accordance with the orders of the Control Council for Germany, which may at any time reduce or otherwise alter the sentences, but may not increase the severity thereof. If the Control Council for Germany, after any Defendant has been convicted and sentenced, discovers fresh evidence which, in its opinion, would found a fresh charge against him, the Council shall report accordingly to the Committee established under Article 14 hereof, for such action as they may consider proper, having regard to the interests of justice.

VII. EXPENSES

Art. 30. The expenses of the Tribunal and of the Trials, shall be charged by the Signatories against the funds allotted for maintenance of the Control Council for Germany.

Art. 27. Le Tribunal pourra prononcer contre les accusés convaincus de culpabilité la peine de mort ou tout autre châtiment qu'il estimera être juste.

Art. 28. En plus de toute peine qu'il aura infligée, le Tribunal aura le droit d'ordonner à l'encontre du condamné la confiscation de tous biens volés et leur remise au Conseil de Contrôle en Allemagne.

Art. 29. En cas de culpabilité, les décisions seront exécutées conformément aux ordres du Conseil de Contrôle en Allemagne et ce dernier aura le droit, à tout moment, de réduire ou de modifier d'autre manière les décisions, sans toutefois pouvoir en aggraver la sévérité. Si, après qu'un accusé a été reconnu coupable et condamné, le Conseil de Contrôle en Allemagne découvre de nouvelles preuves qu'il juge de nature à constituer une charge nouvelle contre l'accusé, il en informera la Commission prévue par l'article 14 du présent Statut, afin que celle-ci prenne telle mesure qu'elle estimera appropriée dans l'intérêt de la justice.

VII. DÉPENSES

Art. 30. Les dépenses du Tribunal et les frais de procès seront imputés par les signataires sur les fonds affectés au Conseil de Contrôle en Allemagne.

No. 659b

Rules of Procedure of the International Military Tribunal. Adopted at Nuremberg, October 29, 1945.

Règles de procédure du Tribunal Militaire International. Adoptées à Nuremberg, 29 octobre 1945.

BIBLIOGRAPHY. The text of these Rules is also published in Office of U.S. Chief of Counsel for Prosecution of Axis Criminality, *Nazi Conspiracy and Aggression* (Washington, 1947), Supp. A, pp. 1-5.

Entered into force October 29, 1945.

Text from 1 *Trial of the Major War Criminals before the International Military Tribunal* (Nuremberg, 1947), pp. 19 (English edition) and 21 (French edition).

RULE 1.—*Authority to Promulgate Rules*

The present Rules of Procedure of the International Military Tribunal for the trial of the major war criminals (hereinafter called "the Tribunal") as established by the Charter of the Tribunal dated 8 August 1945 (hereinafter called "the Charter") are hereby promulgated by the Tribunal in accordance with the provisions of Article 13 of the Charter.

RULE 2.—*Notice to Defendants and Right to Assistance of Counsel*

(a) Each individual defendant in custody shall receive not less than 30 days before trial a copy, translated into a language which he understands, (1) of the Indictment, (2) of the Charter, (3) of any other documents lodged with the Indictment, and (4) of a statement of his right to the assistance of counsel as set forth in sub-paragraph (d) of this Rule, together with a list of counsel. He shall also receive copies of such rules of procedure as may be adopted by the Tribunal from time to time.

(b) Any individual defendant not in custody shall be informed of the indictment against him and of his right to receive the documents specified in subparagraph (a) above, by notice in such form and manner as the Tribunal may prescribe.

(c) With respect to any group or organization as to which the Prosecution indicates its intention to request a finding of criminality by the Tribunal, notice shall be given by publication in such form and manner as the Tribunal may prescribe and such publication shall include a declaration by the Tribunal that all members of the named groups or organizations are entitled to apply to the Tribunal for leave to be heard in accordance with the provisions of Article 9 of the Charter. Nothing herein contained shall be construed to confer immunity of any kind upon such members of said groups or organizations as may appear in answer to the said declaration.

RÈGLE N° 1.—*Autorité qualifiée pour promulguer les règles*

Les règles de procédure du Tribunal Militaire International pour le Procès des Grands Criminels de guerre (dénommé ci-après le Tribunal), tel qu'il a été établi par le Statut de celui-ci à la date du 8 août 1945 (dénommé ci-après le Statut), sont, par les présentes, promulguées par le Tribunal, en accord avec les stipulations de l'article 13 du Statut.

RÈGLE N° 2.—*Notification aux accusés et droit à l'assistance d'un avocat*

a) Chaque accusé détenu recevra dans un délai de trente jours au moins avant le Procès, une copie traduite dans une langue connue de lui:

1. De l'Acte d'accusation;

2. Du Statut;

3. De tous les documents annexés à l'Acte d'accusation;

4. De l'exposé de ses droits à l'assistance d'un avocat tel qu'il est défini au paragraphe d de la présente règle, accompagné d'une liste d'avocats.

Il recevra aussi copie de toutes les règles de procédure qui pourraient être adoptées ultérieurement par le Tribunal.

b) Chaque accusé non détenu sera informé de l'accusation pesant sur lui et de son droit de recevoir les documents spécifiés dans le paragraphe a ci-dessus, par une notification faite dans telle forme et telle manière que le Tribunal décidera.

c) En ce qui concerne tout groupement ou organisation contre lesquels l'Accusation manifeste son intention de demander au Tribunal un arrêt de criminalité, la notification sera faite par une publication dont la forme et le mode seront prescrits par le Tribunal. Cette publication comprendra une déclaration du Tribunal informant tous les membres des groupements ou organisations désignés, qu'ils ont le droit de demander au Tribunal d'être entendus, ainsi qu'il est prévu par une stipulation de l'article 9 du Statut. Rien de ce qui précède ne saurait toutefois être interprété comme de nature à conférer une immunité quelconque à tels membres desdits groupements ou organisations qui viendraient à comparaître à la suite de la publicité envisagée.

(d) Each defendant has the right to conduct his own defense or to have the assistance of counsel. Application for particular counsel shall be filed at once with the General Secretary of the Tribunal at the Palace of Justice, Nuremberg, Germany. The Tribunal will designate counsel for any defendant who fails to apply for particular counsel or, where particular counsel requested is not within ten (10) days to be found or available, unless the defendant elects in writing to conduct his own defense. If a defendant has requested particular counsel who is not immediately to be found or available, such counsel or a counsel of substitute choice may, if found and available before trial, be associated with or substituted for counsel designated by the Tribunal, provided that (1) only one counsel shall be permitted to appear at the trial for any defendant, unless by special permission of the Tribunal, and (2) no delay of trial will be allowed for making such substitution or association.

RULE 3.—*Service of Additional Documents*

If, before the trial, the Chief Prosecutors offer amendments or additions to the Indictment, such amendments or additions, including any accompanying documents shall be lodged with the Tribunal and copies of the same, translated into a language which they each understand, shall be furnished to the defendants in custody as soon as practicable and notice given in accordance with Rule 2 (b) to those not in custody.

RULE 4.—*Production of Evidence for the Defense*

(a) The Defense may apply to the Tribunal for the production of witnesses or of documents by written application to the General Secretary of the Tribunal. The application shall state where the witness or document is thought to be located, together with a statement of their last known location. It shall also state the facts proposed to be proved by the witness or the document and the reasons why such facts are relevant to the Defense.

(b) If the witness or the document is not within the area controlled by the

d) Chaque accusé a le droit de présenter sa propre défense ou d'user de l'assistance d'un avocat. Toute demande d'avocat particulier devra être déposée au plus tôt et immédiatement entre les mains du Secrétaire général, Palais de Justice de Nuremberg (Allemagne).

Si l'accusé n'a pas manifesté par écrit son intention d'assurer sa propre défense, s'il n'a pas fait choix d'un avocat ou si celui choisi par lui n'a pu, dans le délai de dix jours, être joint ou n'est pas disponible, le Tribunal lui désignera un avocat d'office. Si l'avocat ou le suppléant choisi par l'accusé n'est pas immédiatement disponible, il pourra être ultérieurement associé ou substitué à l'avocat désigné d'office par le Tribunal, étant entendu :

1. Qu'un seul avocat pour chaque accusé aura le droit d'être présent à l'audience, sauf permission spéciale du Tribunal;

2. Qu'aucune remise du Procès ne sera accordée pour la substitution ou l'adjonction d'un avocat.

RÈGLE N° 3.—*Production des documents additionnels*

Si, avant le Procès, le Ministère Public présente des amendements ou des additions à l'Acte d'accusation, ceux-ci, y compris les documents qui pourraient être joints, seront transmis au Tribunal et des copies, traduites dans une langue que chacun d'eux est à même de comprendre, seront dès que possible, mises à la disposition des accusés détenus. Notification en sera faite aux accusés non détenus en concordance avec la règle n° 2, paragraphe b.

RÈGLE N° 4.—*Preuves produites par la Défense*

a) La Défense peut demander au Tribunal d'être admise à produire des témoins ou des documents, par requête écrite adressée au Secrétaire général de celui-ci. Cette requête précisera, à la connaissance de la Défense, où se trouvent le document ou le témoin. A défaut, le dernier lieu connu où ils se trouvaient sera indiqué. Elle précisera également les faits qui doivent être prouvés par le témoin ou le document et les raisons pour lesquelles lesdits faits sont invoqués par la Défense.

b) Si le témoin ou le document ne se trouvent pas dans la zone contrôlée par

occupation authorities, the Tribunal may request the Signatory and adhering Governments to arrange for the production, if possible, of any such witnesses and any such documents as the Tribunal may deem necessary to proper presentation of the Defense.

(c) If the witness or the document is within the area controlled by the occupation authorities, the General Secretary shall, if the Tribunal is not in session, communicate the application to the Chief Prosecutors and, if they make no objection, the General Secretary shall issue a summons for the attendance of such witness or the production of such documents, informing the Tribunal of the action taken. If any Chief Prosecutor objects to the issuance of a summons, or if the Tribunal is in session, the General Secretary shall submit the application to the Tribunal, which shall decide whether or not the summons shall issue.

(d) A summons shall be served in such manner as may be provided by the appropriate occupation authority to ensure its enforcement and the General Secretary shall inform the Tribunal of the steps taken.

(e) Upon application to the General Secretary of the Tribunal, a defendant shall be furnished with a copy, translated into a language which he understands, of all documents referred to in the Indictment so far as they may be made available by the Chief Prosecutors and shall be allowed to inspect copies of any such documents as are not so available.

RULE 5.—*Order at the Trial*

In conformity with the provisions of Article 18 of the Charter, and the disciplinary powers therein set out, the Tribunal, acting through its President, shall provide for the maintenance of order at the Trial. Any defendant or any other person may be excluded from open sessions of the Tribunal for failure to observe and respect the directives and dignity of the Tribunal.

RULE 6.—*Oaths; Witnesses*

(a) Before testifying before the Tribunal, each witness shall make such oath

les autorités d'occupation, le Tribunal pourra requérir les Signataires et les Gouvernements ayant donné leur adhésion de faire en sorte que soient entendus ou produits, si possible, tous témoins et documents que le Tribunal pourrait juger nécessaires pour que la Défense soit assurée utilement.

c) Si le témoin ou le document se trouvent dans la zone contrôlée par les autorités d'occupation, et si le Tribunal n'est pas en session, le Secrétaire général transmettra la demande aux Procureurs Généraux. Si ces derniers n'élèvent pas d'objection, le Secrétaire général délivrera une sommation de nature à provoquer la comparution du témoin ou la production des documents en question, et informera le Tribunal des mesures ainsi prises par lui.

Si l'un des Procureurs Généraux présente une objection à la régularisation de cette sommation, ou si le Tribunal est en session, le Secrétaire général soumettra la requête au Tribunal qui décidera s'il y a lieu ou non de procéder à la sommation envisagée.

d) La sommation sera faite dans les formes que les autorités d'occupation intéressées jugeront propres à assurer son effet et le Secrétaire général informera le Tribunal des mesures prises.

e) Sur demande adressée au Secrétaire général du Tribunal, l'accusé recevra, dans une langue qu'il connaît, copie de tous les documents mentionnés dans l'Acte d'accusation, mais seulement dans la mesure où les Procureurs Généraux pourront les mettre à sa disposition. Dans le cas contraire, il sera autorisé à examiner les copies de tous les documents qui n'auront pu lui être fournis.

RÈGLE N° 5.—*Maintien de l'ordre au Procès*

Aux termes des stipulations de l'article 18 du Statut et des pouvoirs disciplinaires qui y sont définis, le Tribunal, par l'intermédiaire de son Président, assurera le maintien de l'ordre au Procès. Tout accusé ou toute autre personne pourra être exclu des audiences publiques s'il ne se conforme pas aux ordres donnés par le Tribunal et s'il n'observe pas le respect dû à celui-ci.

RÈGLE N° 6.—*Serments et témoins*

a) Avant de déposer devant le Tribunal, chaque témoin prêtera le serment

or declaration as is customary in his own country.

(b) Witnesses while not giving evidence shall not be present in court. The President of the Tribunal shall direct, as circumstances demand, that witnesses shall not confer among themselves before giving evidence.

RULE 7.—*Applications and Motions before Trial and Rulings during the Trial*

(a) All motions, applications or other requests addressed to the Tribunal prior to the commencement of trial shall be made in writing and filed with the General Secretary of the Tribunal at the Palace of Justice, Nuremberg, Germany.

(b) Any such motion, application or other request shall be communicated by the General Secretary of the Tribunal to the Chief Prosecutors and, if they make no objection, the President of the Tribunal may make the appropriate order on behalf of the Tribunal. If any Chief Prosecutor objects, the President may call a special session of the Tribunal for the determination of the question raised.

(c) The Tribunal, acting through its President, will rule in court upon all questions arising during the trial, such as questions as to admissibility of evidence offered during the trial, recesses, and motions; and before so ruling the Tribunal may, when necessary, order the closing or clearing of the Tribunal or take any other steps which to the Tribunal seem just.

RULE 8.—*Secretariat of the Tribunal*

(a) The Secretariat of the Tribunal shall be composed of a General Secretary, four Secretaries and their Assistants. The Tribunal shall appoint the General Secretary and each Member shall appoint one Secretary. The General Secretary shall appoint such clerks, interpreters, stenographers, ushers, and all such other persons as may be authorized by the Tribunal and each Secretary may appoint such assistants as may be authorized by the Member of the Tribunal by whom he was appointed.

(b) The General Secretary, in consultation with the Secretaries, shall organize and direct the work of the Secretariat, subject to the approval of the

ou fera la déclaration en usage dans son propre pays.

b) Les témoins ne devront pas être présents à l'audience lorsqu'ils n'apportent pas leur témoignage. Le Président du Tribunal, suivant les circonstances, prendra toutes mesures utiles pour que les témoins ne confèrent pas entre eux avant de déposer.

RÈGLE N° 7.—*Demandes et motions avant le Procès et règles de procédure pendant le Procès*

a) Toutes motions, demandes ou autres requêtes adressées au Tribunal avant le début du Procès, seront présentées par écrit et déposées entre les mains du Secrétaire général du Tribunal au Palais de Justice de Nuremberg (Allemagne).

b) Toute motion, demande ou autre requête, sera communiquée par le Secrétaire général du Tribunal aux Procureurs Généraux et, s'ils n'y font pas d'objections, le Président prendra les mesures appropriées au nom du Tribunal. Si l'un des Procureurs Généraux élève une objection, le Président convoquera le Tribunal en audience spéciale pour que celui-ci puisse se prononcer sur la question soulevée.

c) Le Tribunal, en la personne de son Président, tranchera en séance publique, toutes les questions soulevées au cours des débats telles que l'admissibilité des preuves offertes, des suspensions et des motions. Avant de se prononcer, le Tribunal pourra, si nécessaire, ordonner le huis-clos, ou prendre toutes mesures qu'il jugera utiles.

RÈGLE N° 8.—*Secrétariat du Tribunal*

a) Le Secrétariat du Tribunal sera composé d'un Secrétaire général, de quatre secrétaires et de leurs adjoints. Le Tribunal désignera le Secrétaire général et chaque membre du Tribunal désignera un secrétaire. Le Secrétaire général désignera les greffiers, interprètes, sténographes, huissiers et toute autre personne que le Tribunal jugera nécessaire, et chacun des secrétaires nommera les adjoints sur autorisation du membre du Tribunal qui l'a désigné.

b) Le Secrétaire général, avec le concours des secrétaires, organisera et dirigera le travail du Secrétariat, sous réserve de l'approbation du Tribunal au

Tribunal in the event of a disagreement by any Secretary.

(c) The Secretariat shall receive all documents addressed to the Tribunal, maintain the records of the Tribunal, provide necessary clerical services to the Tribunal and its Members, and perform such other duties as may be designated by the Tribunal.

(d) Communications addressed to the Tribunal shall be delivered to the General Secretary.

RULE 9.—*Record, Exhibits, and Documents*

(a) A stenographic record shall be maintained of all oral proceedings. Exhibits will be suitably identified and marked with consecutive numbers. All exhibits and transcripts of the proceedings and all documents lodged with and produced to the Tribunal will be filed with the General Secretary of the Tribunal and will constitute part of the Record.

(b) The term "official documents" as used in Article 25 of the Charter includes the Indictment, rules, written motions, orders that are reduced to writing, findings, and judgments of the Tribunal. These shall be in the English, French, Russian, and German languages. Documentary evidence or exhibits may be received in the language of the document, but a translation thereof into German shall be made available to the defendants.

(c) All exhibits and transcripts of proceedings, all documents lodged with and produced to the Tribunal and all official acts and documents of the Tribunal may be certified by the General Secretary of the Tribunal to any Government or to any other tribunal or wherever it is appropriate that copies of such documents or representations as to such acts should be supplied upon a proper request.

RULE 10.—*Withdrawal of Exhibits and Documents*

In cases where original documents are submitted by the Prosecution or the Defense as evidence, and upon a showing (a) that because of historical interest or for any other reason one of the Governments signatory to the Four Power Agreement of 8 August 1945, or any other Government having received the consent

cas où un des secrétaires manifesterait un désaccord.

c) Le Secrétariat recevra tous les documents adressés au Tribunal, sera responsable des archives du Tribunal, et assurera tous les services du greffe nécessaires au Tribunal et à ses membres. Il remplira toutes les autres charges que lui confiera le Tribunal.

d) Les communications adressées au Tribunal seront remises au Secrétariat général.

RÈGLE N° 9.—*Procès-verbaux, pièces produites et documents*

a) Un procès-verbal sténographié sera dressé à l'occasion de tous débats oraux. Les pièces produites seront identifiées d'une façon appropriée et numérotées consécutivement.

Toutes les pièces et tous les procès-verbaux des débats, ainsi que tous les documents produits devant le Tribunal seront classés au Secrétariat général et constitueront une partie des archives.

b) Le terme "documents officiels" utilisé dans l'article 25 du Statut, englobe l'Acte d'accusation, les règles, les motions écrites, ainsi que les ordonnances, décisions et jugements rendus par le Tribunal. Ces pièces seront rédigées en anglais, en français, en russe et en allemand. Les pièces utilisées comme preuves pourront être reçues dans la langue du document original, mais une traduction en allemand sera mise à la disposition des accusés.

c) Toutes les pièces produites et procès-verbaux des débats, tous les documents soumis au Tribunal, ainsi que les actes et documents officiels du Tribunal pourront être certifiés par le Secrétaire général à la demande de tout Gouvernement ou de tout autre tribunal; il en sera de même chaque fois que la production des copies de ces documents ou la présentation de ces actes devra être fournie à la suite d'une requête appropriée.

RÈGLE N° 10.—*Retrait de pièces et documents*

Dans le cas où des documents originaux seraient produits par l'Accusation ou la Défense et s'il est démontré:

a) Qu'à cause de l'intérêt historique qui s'y attache ou pour toute autre raison, l'un des Gouvernements signataires de l'Accord des quatre Puissances du 8 août 1945, ou tout autre Gouvernement qui

of said four signatory Powers, desires to withdraw from the records of the Tribunal and preserve any particular original documents and (b) that no substantial injustice will result, the Tribunal shall permit photostatic copies of said original documents, certified by the General Secretary of the Tribunal, to be substituted for the originals in the records of the Court and shall deliver said original documents to the applicants.

RULE 11.—Effective Date and Powers of Amendment and Addition

These Rules shall take effect upon their approval by the Tribunal. Nothing herein contained shall be construed to prevent the Tribunal from, at any time, in the interest of fair and expeditious trials, departing from, amending, or adding to these Rules, either by general rules or special orders for particular cases, in such form and upon such notice as may appear just to the Tribunal.

aurait obtenu le consentement desdites quatre Puissances signataires, désire retirer des archives du Tribunal et conserver un document original quelconque;

b) Qu'aucune injustice substantielle n'en résulterait, le Tribunal autorisera la substitution de copies photostatiques de ce document authentifié par le Secrétariat général, au document original et remettra ledit document original au demandeur.

RÈGLE N° 11.—Date d'entrée en vigueur et droit d'amendement et d'addition

Ces règles entreront en vigueur dès leur approbation par le Tribunal. Rien de ce qui précède ne pourra être interprété comme empêchant le Tribunal à quelque moment que ce soit, dans l'intérêt de l'équité et de la rapidité des débats, de s'écarter de ces règles, d'y apporter des amendements ou des additions soit par des règles d'ordre général, ou par des ordonnances spéciales relatives à des cas particuliers, dans la forme et publicité que le Tribunal jugera appropriées.

No. 660

AGREEMENT for the Re-establishment of the International Administration of Tangier. Signed at Paris, August 31, 1945.

ACCORD en vue du rétablissement à Tanger de l'administration internationale. Signé à Paris, 31 août 1945.

EDITOR'S NOTE. This Agreement was concluded at a Conference of Experts on Tangier held at Paris, August 10-31, 1945; for its final act, see 13 *U.S. Department of State Bulletin* (1945), p. 613; *Br. Parl. Papers*, Morocco No. 1 (1945), Cmd. 6678. The provisional régime established is based on the convention of December 18, 1923, as amended in 1928 (Nos. 110 and 110a, *ante*). The military occupation of Tangier by Spain, begun on June 14, 1940, came to an end on October 11, 1945; and the International Committee of Control was re-established at Tangier at that time. The conference envisaged in Article 2 of this Agreement was indefinitely postponed in 1945. 13 *U.S. Department of State Bulletin* (1945), pp. 48, 380, 613.

ACCESSIONS. On January 7, 1946, this Agreement had been ratified by France and Great Britain, and acceded to by Belgium, Netherlands, Portugal, Spain, and Sweden. It was recognized by Italy in Article 41 of the peace treaty of February 10, 1947. *U.S. Treaties and Other International Acts Series*, No. 1648.

BIBLIOGRAPHY. An English version of this Agreement is also published in *Br. Parl. Papers*, Morocco No. 1 (1945), Cmd. 6678, p. 6; 13 *U.S. Department of State Bulletin* (1945), p. 616.

S. Ahmed, "Das Problem der Tanger-Zone," 7 *Monatshefte für Auswärtige Politik* (1940), pp. 497-503; C. de Castillo, *La experiencia internacional de Tánger* (Bilbao, 1948), 31 pp.;

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Entered into force August 31, 1945.

Text from *British Treaty Series*, No. 24 (1946), Cmd. 6899.

The Government of the United Kingdom of Great Britain and Northern Ireland and the Provisional Government of the French Republic:

Being desirous of re-establishing as soon as possible in the Tangier Zone of Morocco an international régime in accordance with the conclusions of the Conference held at Paris in August, 1945, between the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, France and the Union of Soviet Socialist Republics: and

Considering that it is desirable to establish in the said Zone a provisional régime based on the Convention signed at Paris on the 18th December, 1923, to operate until a revised Tangier Statute has been agreed and can be put into force:

Have therefore decided to conclude an Agreement for this purpose and have appointed as their plenipotentiaries:¹

The Government of the United Kingdom of Great Britain and Northern Ireland: Charles Brinsley Pemberton Peake;

The Provisional Government of the French Republic: Jacques Meyer:

Who, being furnished with full powers found in good and due form, have agreed as follows:

Article 1. From the 11th October, 1945, until a convention drawn up at the Conference referred to in Article 2 below has come into force, the Tangier Zone of Morocco shall be

Le Gouvernement provisoire de la République française et le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord,

Désireux de rétablir le plus tôt possible dans la Zone de Tanger, au Maroc, un régime international conforme aux conclusions de la Conférence qui s'est tenue à Paris au mois d'août 1945 entre les Gouvernements des Etats-Unis d'Amérique, de la France, du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et de l'Union des Républiques Socialistes Soviétiques, et

Considérant qu'il est désirable d'établir dans ladite Zone un régime provisoire qui, basé sur la Convention signée à Paris le 18 décembre 1923, fonctionnera jusqu'à ce qu'un Statut de Tanger révisé ait été adopté et puisse entrer en vigueur, ont en conséquence décidé de conclure un accord à cet effet et ont désigné pour leurs Plénipotentiaires, savoir:¹

Pour le Gouvernement provisoire de la République française: Jacques Meyer;

Pour le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord: Charles Brinsley Pemberton Peake;

lesquels, munis de pleins pouvoirs trouvés en bonne et due forme, sont convenus de ce qui suit:

Article 1. A dater du 11 octobre 1945, et jusqu'à ce que la convention rédigée à la Conférence dont il est question à l'article 2 ci-dessous, soit entrée en vigueur, la Zone de

¹ The titles of plenipotentiaries are omitted.—Ed.

provisionally administered in accordance with the Convention of the 18th December, 1923 (and the Agreement of the 25th July, 1928, amending the same), as modified by the provisions of the present Agreement.

Art. 2.—(a) As soon as possible and not later than six months from the establishment of the provisional régime, the French Government will convoke a Conference at Paris of the following Powers parties to the Act of Algéiras: The United States of America, Belgium, the United Kingdom of Great Britain and Northern Ireland, Spain, France, the Netherlands, Portugal, Sweden, the Union of Soviet Socialist Republics and, subject to Article 11 below, Italy.

(b) The preparatory work for the said Conference shall be undertaken by the Committee of Control at Tangier in accordance with Resolution No. 1 of the Conference at Paris referred to in the Preamble of this Agreement.

Art. 3.—(a) The Governments of the United States of America and the Union of Soviet Socialist Republics, although not parties to the Convention of the 18th December, 1923, are invited to collaborate in the provisional régime of the Tangier Zone in accordance with the provisions of this Agreement.

(b) The French Government will inform the Governments of the Powers referred to in Article 2 (a) above of the acceptance of this invitation.

Art. 4.—(a) Upon the 11th October, 1945, the Spanish Government will hand over to the Committee of Control the administration of the Zone and the archives of the administration, and to the International Cape Spartel Lighthouse Commission the administration of that lighthouse.

(b) The properties, offices and establishments belonging to the French and Sherifian Governments shall be

Tanger, au Maroc, sera provisoirement administrée conformément à la Convention du 18 décembre 1923 et à l'Accord du 25 juillet 1928 qui la modifie, compte tenu des modifications apportées par les dispositions du présent accord.

Art. 2.—(a) Dès que possible et dans un délai qui n'excédera pas six mois à compter de l'établissement du régime provisoire, le Gouvernement français convoquera à Paris une Conférence des Puissances suivantes, parties à l'Acte d'Algésiras: Etats-Unis d'Amérique, Belgique, Espagne, France, Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, Pays-Bas, Portugal, Suède, Union des Républiques Socialistes Soviétiques et, sous réserve de l'article 11, Italie.

(b) Les travaux préparatoires de ladite Conférence seront entrepris par le Comité de Contrôle à Tanger, conformément à la Résolution No. 1 de la Conférence de Paris visée au préambule du présent accord.

Art. 3.—(a) Les Gouvernements des Etats-Unis et de l'Union des Républiques Socialistes Soviétiques, bien qu'ils ne soient pas parties à la Convention du 18 décembre 1923, sont invités à participer au régime provisoire de la Zone de Tanger conformément aux dispositions du présent accord.

(b) Le Gouvernement français informera les Gouvernements des Puissances visées à l'article 2(a) ci-dessus de l'acceptation de cette invitation.

Art. 4.—(a) A la date du 11 octobre 1945, le Gouvernement espagnol remettra au Comité de Contrôle l'administration de la Zone et les archives de l'administration et, à la Commission internationale du Phare du Cap Spartel, l'administration de ce phare.

(b) Les biens, services et établissements appartenant aux Gouvernements français et chérifien seront

handed over at the same time to the representatives of those Governments. Private property in the Zone which has been seized by the Spanish authorities shall be restored to the owners not later than the 11th October, 1945. The provisions of this paragraph do not prejudice the right of any Government concerned to claim compensation in respect of the seizure or detention of such property or of any other matter.

(c) The withdrawal from the Zone of all Spanish military, naval, air and police forces as well as all establishments and material of a military character shall be completed by the 11th October, 1945. All Spanish establishments and material of a military character which shall not have been withdrawn on this date shall become the property of the Administration of the Tangier Zone.

(d) The Spanish Government will be responsible for all financial liabilities of the Zone contracted between the 13th June, 1940, and the 11th October, 1945.

(e) The Committee of Control may meet before the 11th October, 1945, and make all necessary arrangements for the putting into force of the present Agreement.

Art. 5. Any advances of funds which may be necessary for the functioning of the public services of the Zone until adequate financial measures have been taken by the provisional administration shall be furnished by the State Bank of Morocco under conditions agreed by the Committee of Control.

Art. 6.—(a) The Committee of Control, having obtained from the Administration the necessary report or reports, shall determine which of the decrees, laws and regulations enacted and concessions granted between the 13th June, 1940, and the 11th October, 1945, shall be repealed, amended or maintained and

remis en même temps aux représentants desdits Gouvernements. Les biens privés sis dans la Zone, qui ont été saisis par les autorités espagnoles, seront restitués à leurs propriétaires le 11 octobre 1945, au plus tard. Les dispositions du présent paragraphe ne portent pas atteinte au droit, pour les Gouvernements intéressés, de réclamer des dommages-intérêts pour la saisie ou la rétention desdits biens ou pour toute autre cause.

(c) Le retrait de la Zone de toutes les forces espagnoles terrestres, navales, aériennes et de police, ainsi que de toutes les installations et de tout le matériel de caractère militaire, devra être terminé le 11 octobre 1945. Toutes les installations et tout le matériel espagnol de caractère militaire qui n'auront pas été enlevés à ladite date, deviendront la propriété de l'administration de la Zone de Tanger.

(d) Le Gouvernement espagnol prendra à sa charge toutes les obligations financières contractées par la Zone entre le 13 juin 1940 et le 11 octobre 1945.

(e) Le Comité de Contrôle pourra se réunir avant la date du 11 octobre 1945 et prendra toutes les mesures nécessaires pour la mise en vigueur du présent accord.

Art. 5. Tous les fonds qui seraient nécessaires au fonctionnement des services publics de la Zone, jusqu'à ce que des mesures financières adéquates aient été prises par l'administration provisoire, seront avancés par la Banque d'Etat du Maroc suivant les conditions déterminées par le Comité de Contrôle.

Art. 6.—(a) Lorsque le Comité de Contrôle aura obtenu de l'administration le ou les rapports nécessaires, il déterminera quels sont les décrets, lois et règlements pris et les concessions accordées entre le 13 juin 1940 et le 11 octobre 1945 qui devront être abrogés, modifiés ou maintenus et il rédigera les disposi-

draw up the necessary legislation to give effect to these decisions. All laws, decrees and regulations which are contrary to particular provisions of the Statute of 1923 shall be included in the measures to be repealed.

(b) The Mendoub shall promulgate immediately the legislation referred to in paragraph (a) of this Article.

Art. 7. During the period of the provisional administration of the Zone, the Convention of the 18th December, 1923 (as amended in 1928) shall operate, subject to the following modifications:

(a) The Governments of the United States of America and the Union of Soviet Socialist Republics shall have the right to appoint their representatives in Tangier as members of the Committee of Control. The first member of the Committee of Control to fulfil the functions of President as from the 11th October, 1945, shall be the French representative and thereafter the presidency shall devolve by rotation in accordance with Article 30 of the Convention of 1923. In the absence of any stipulation to the contrary a decision of the Committee of Control will be taken by an affirmative vote of a majority of the members of the Committee. In case of an equal division the President shall have a casting vote.

(b) The International Legislative Assembly referred to in Article 34 of the Convention of the 18th December, 1923, shall be composed of—

4 members of French nationality,
4 members of Spanish nationality,
3 members of British nationality,
3 members of United States nationality,
3 members nationals of the Union of Soviet Socialist Republics,
1 member of Italian nationality,
1 member of Belgian nationality,
1 member of Netherlands nationality,
1 member of Portuguese nationality

tions législatives nécessaires à la mise en vigueur desdites décisions. Tous les décrets, lois et règlements qui sont contraires à des dispositions particulières du Statut de 1923 seront inclus dans les dispositions à abroger.

(b) Le Mendoub promulguera immédiatement les dispositions législatives visées au paragraphe (a) du présent article.

Art. 7. Tant que durera l'administration provisoire de la Zone, la Convention du 18 décembre 1923 (modifiée en 1928) sera appliquée sous réserve des modifications suivantes:

(a) Les Gouvernements des Etats-Unis et de l'Union des Républiques Socialistes Soviétiques auront le droit de désigner leurs représentants à Tanger comme membres du Comité de Contrôle. Le premier membre du Comité de Contrôle appelé à remplir les fonctions de président à partir du 11 octobre 1945 sera le représentant français et, dans la suite, la présidence sera attribuée par roulement conformément à l'article 30 de la Convention de 1923. Sauf dispositions contraires, toute décision du Comité de Contrôle sera prise à la majorité des voix des membres du Comité. En cas de partage égal des votes, le président aura voix prépondérante.

(b) L'Assemblée législative internationale visée à l'article 34 de la Convention du 18 décembre 1923 comprend:

4 membres de nationalité française,
4 membres de nationalité espagnole,
3 membres de nationalité britannique,
3 membres de nationalité des Etats-Unis d'Amérique,
3 membres de nationalité soviétique,
1 membre de nationalité italienne,
1 membre de nationalité belge,
1 membre de nationalité néerlandaise,
1 membre de nationalité portugaise,

nominated by their respective Consulates, and in addition—

6 Mussulman subjects of His Majesty the Sultan nominated by the Mendoub and 3 Jewish subjects of His Majesty the Sultan nominated by the Mendoub and chosen from a list of nine names submitted by the Jewish community of Tangier.

Until the Legislative Assembly has been constituted the powers which are conferred upon it shall be exercised, in cases of urgency, by the Committee of Control.

Further, the Committee of Control shall have the power at any time to adopt, by regulation passed by a majority of two-thirds of its members and stating the reasons for this course, measures relating to any matter which under the Statute falls within the competence of the Legislative Assembly. All regulations so made shall be promulgated, published and put into force in the same manner as measures passed in corresponding cases by the Assembly.

(c) The Administrator of the Zone shall be a person of Belgian, Netherlands, Portuguese or Swedish nationality selected by the Committee of Control.

He shall be aided by an Assistant Administrator of French nationality selected by the French Government, who shall be adviser for Moroccan Affairs, and by an Assistant Administrator for Finance of Belgian, Netherlands, Portuguese or Swedish nationality selected by the Committee of Control.

The Administrator and Assistant Administrators shall be appointed by His Sherifian Majesty on the request of the Committee of Control.

(d) The provisions of Article 10 (paragraphs 3 *et seq.*) and of Article 47 of the Tangier Statute, relating to the gendarmerie, the police, the Mixed Intelligence Bureau and the Inspector-General of Security shall

désignés par leurs consulats respectifs et en outre:

6 sujets musulmans de Sa Majesté le Sultan désignés par le Mendoub, et 3 sujets israélites de Sa Majesté le Sultan choisis par le Mendoub sur une liste de 9 candidats présentés par la Communauté israélite de Tanger.

Jusqu'au moment où l'Assemblée législative aura été installée, les fonctions qui lui sont dévolues seront, en cas d'urgence, exercées par le Comité de Contrôle.

D'autre part, le Comité de Contrôle pourra, à tout moment, par ordonnance motivée prise à la majorité des deux tiers des membres du Comité, statuer sur les matières qui entrent aux termes du statut dans les attributions de l'Assemblée législative. Les ordonnances ainsi rendues seront promulguées, publiées et exécutées de la même manière que les actes correspondants de l'Assemblée.

(c) L'administrateur de la Zone est de nationalité belge, hollandaise, portugaise ou suédoise. Il sera choisi par le Comité de Contrôle.

Il est assisté: d'un administrateur-adjoint conseiller pour les affaires marocaines, de nationalité française, désigné par le Gouvernement français, et d'un administrateur-adjoint de nationalité belge, néerlandaise, portugaise ou suédoise (chargé des services financiers) choisi par le Comité de Contrôle.

L'administrateur et les administrateurs-adjoints sont nommés par Sa Majesté Chérifienne sur demande du Comité de Contrôle.

(d) Les dispositions de l'article 10 (paragraphe 3 et suivants) et de l'article 47 du Statut de Tanger relatives à la gendarmerie, à la police, au Bureau mixte d'Information et à l'Inspecteur général de la Sé-

be abrogated and replaced by the following provisions:

The policing of the Zone shall be maintained by a single police force to be organised as soon as possible and recruited so far as possible from inhabitants of the Zone. The Commandant, Deputy-Commandant, officers and technical advisers of this police force shall be appointed by Sherifian dahir upon the proposal of the Committee of Control and, except the Deputy Commandant who shall be a French national, selected from persons of Belgian, Netherlands, Portuguese, or Swedish nationality. The cost of this police force shall be borne by the Administration of the Zone.

The authorities of the French and Spanish Zones shall have the right to appoint to the police administration of Tangier liaison officers to deal with police questions affecting their respective Zones. Every facility for the fulfilment of their duties shall be accorded to these officers. Until the police force referred to above has been constituted, the policing of the Tangier Zone shall be undertaken by a police force supplied by the French or Sherifian Governments.

(e) Without prejudice to the provisions of Article 29 of the Statute of the Zone, the Committee of Control shall also have the power of deportation in the case of persons justiciable by the Mixed Court whose presence in the Zone constitutes a threat to public order. In any case where this power is exercised an affirmative vote of two-thirds of the members of the Committee shall be required after the case of the person whose deportation is proposed has been investigated by the police authorities of the Zone and heard by a member of the Committee selected for this purpose.

(f) Nothing in the Statute shall be deemed to prevent the Adminis-

tration, seront abrogées et remplacées par les dispositions suivantes: la sécurité de la Zone sera assurée par une force de police unique qui sera organisée le plus tôt possible et sera recrutée autant que possible parmi les habitants de la Zone. Le commandant, le commandant-adjoint, les officiers et les conseillers techniques de cette police seront nommés par dahir chérifien sur la proposition du Comité de Contrôle. Ils seront choisis parmi les personnes de nationalité belge, néerlandaise, portugaise ou suédoise, sauf le commandant-adjoint, qui sera de nationalité française. Les frais afférents à cette police seront supportés par l'administration de la Zone.

Les autorités des Zones française et espagnole auront le droit de déléguer auprès de l'administration de la police de Tanger des officiers de liaison qui traiteront des questions de police concernant leurs zones respectives. Toutes facilités seront accordées à ces officiers pour leur permettre d'exercer leurs fonctions. Jusqu'à ce que la force de police susvisée ait été constituée, la sécurité de la Zone de Tanger sera assurée par une force de police fournie par les Gouvernements français ou chérifien.

(e) Sans préjudice de l'application des dispositions de l'article 29 du Statut de la Zone, le Comité de Contrôle pourra prononcer l'expulsion des individus justiciables du Tribunal mixte dont la présence dans la Zone constitue une menace contre l'ordre public.

Dans l'exercice de ce droit, le Comité de Contrôle statuera à la majorité des deux tiers des membres du Comité après enquête par les Services de sécurité de la Zone et audition par un des membres du Comité, délégué à cet effet, de l'individu dont l'expulsion est demandée.

(f) Aucune disposition du Statut ne sera considérée comme susceptible

tration from taking, with the approval of the Committee of Control, in exceptional circumstances such measures as may be required in order to assure the arrival and distribution of supplies necessary for the maintenance of the life of the inhabitants.

Art. 8. The Committee of Control may at any time while the present Agreement remains in force adopt by unanimous vote any amendments thereto which it considers desirable. Such modifications shall be recorded in protocols signed by the members of the Committee of Control, specifying the date as from which they shall operate. These modifications shall be immediately submitted to His Sherifian Majesty for his approval and for the enactment of the necessary dahir.

Art. 9.—(a) The present Agreement shall be ratified and the instruments of ratification shall be exchanged at Paris as soon as possible. It will, however, be put into force immediately without awaiting the exchange of ratifications.

(b) The present Agreement shall be at once submitted to His Sherifian Majesty for his approval and for the enactment of the necessary dahir to give effect thereto.

Art. 10. Certified copies of the present Agreement shall be immediately communicated by the French Government to the Governments of Belgium, Spain, the Netherlands, Portugal and Sweden. The Governments of the United Kingdom and France undertake to collaborate in inviting the accession of the above-mentioned Governments to the Agreement. In the case of those Governments whose constitutional law requires the fulfilment of a process equivalent to ratification prior to accession, accession may be notified in the first place subject to ratification.

Art. 11.—(a) The provisions of the Agreement and dahirs of 1928,

d'empêcher l'administration de prendre avec l'approbation du Comité de Contrôle, et dans des circonstances exceptionnelles, toutes mesures éventuellement nécessaires pour assurer l'arrivée et la répartition des approvisionnements essentiels à la vie de la population.

Art. 8. Le Comité de Contrôle pourra à tout moment, tant que le présent accord restera en vigueur, adopter par un vote unanime tous les amendements audit accord qu'il jugera désirables. Ces modifications seront consignées dans des protocoles signés par les membres du Comité de Contrôle et précisant la date à partir de laquelle elles entreront en vigueur. Ces modifications seront immédiatement soumises à l'agrément de Sa Majesté Chérifienne en vue de la promulgation du dahir nécessaire.

Art. 9.—(a) Le présent accord sera ratifié et les instruments de ratification échangés à Paris, aussitôt que faire se pourra. Il sera toutefois mis en application immédiatement sans attendre l'échange des ratifications.

(b) Il sera soumis sans délai à l'agrément de Sa Majesté Chérifienne en vue de la promulgation du dahir nécessaire à sa mise à exécution.

Art. 10. Des copies conformes de l'accord seront immédiatement communiquées par le Gouvernement français aux Gouvernements belge, espagnol, néerlandais, portugais et suédois. Les Gouvernements de la France et du Royaume-Uni s'engagent à collaborer en vue d'inviter les Gouvernements susvisés à adhérer au présent accord.

L'adhésion pourra être notifiée préalablement et sous réserve de ratification par ceux des Gouvernements dont la loi constitutionnelle exige une procédure analogue à la ratification avant adhésion définitive.

Art. 11.—(a) Les dispositions des Convention et dahirs de 1928, en

in so far as they altered the conditions in which the Italian Government is entitled to participate in the administration of the Zone, shall cease to operate.

(b) The Italian Government shall be invited to accede to the present Agreement at such time as the other Governments parties thereto shall agree and subject to any relevant provisions of the peace treaty with Italy.

IN WITNESS WHEREOF the above-mentioned plenipotentiaries have signed the present Agreement and affixed thereto their seals.

Done at Paris in duplicate this 31st day of August, 1945, in English and French, both texts being equally authentic.

tant qu'elles modifient les conditions de la participation de l'Italie à l'administration de la Zone, cesseront d'avoir effet.

(b) Le Gouvernement italien sera invité à adhérer au présent accord au moment dont conviendront les autres Gouvernements parties audit accord et sous réserve de toutes dispositions d'un traité de paix avec l'Italie qui pourraient s'y rapporter.

EN FOI DE QUOI les Plénipotentiaires susnommés ont signé le présent accord et y ont apposé leurs sceaux.

Fait à Paris, en double exemplaire, le 31 août 1945 en anglais et en français, ces deux textes étant également authentiques.

CHARLES PEAKE MEYRIER

No. 661

INSTRUMENT of Surrender by Japan. Signed at Tokyo Bay, September 2, 1945.

ACTE de la capitulation du Japon. Signé à la Baie du Tokyo, 2 septembre 1945.

EDITOR'S NOTE. This Instrument ended hostilities in the Far Eastern theatre of World War II. For other armistice agreements of this period, see Nos. 625, 636-638, 645, and 651, *ante*. The surrender of Japan was preceded by the Potsdam declaration of July 26, 1945, which was accepted by Japan tentatively on August 10, 1945, and definitively on August 14, 1945. 13 *U.S. Department of State Bulletin* (1945), pp. 137, 205, 255. A Far Eastern Commission and an Allied Council for Japan were established by the Moscow agreement of December 27, 1945 (No. 661a, *post*). With respect to initial post-surrender policy for Japan, see the statement of September 6, 1945, the directive of November 1, 1945, and the decision of the Far Eastern Commission of June 19, 1947. 13 *U.S. Department of State Bulletin* (1945), p. 423; 17 *idem* (1947), p. 216; 1 *U.S. Department of State, Documents and State Papers* (1948), p. 32. British Commonwealth forces joined in the occupation of Japan in accordance with an agreement reached in January 1946. 14 *U.S. Department of State Bulletin* (1946), p. 220. A draft of a treaty on the disarmament and demilitarization of Japan was released by the United States in June 1946. *Idem*, p. 1113. A new Japanese Constitution, promulgated on November 3, 1946, became effective on May 3, 1947. U.S. Department of State, Publication 2836, Far Eastern Series, No. 22.

BIBLIOGRAPHY. The text of this Instrument is also published in 13 *U.S. Department of State Bulletin* (1945), pp. 361-65; U.S. National Archives, *The End of the War in the Pacific: Surrender Documents in Facsimile* (National Archives, Publ. No. 46-6), 24 pp.; Canada,

Treaty Series, 1945, No. 19; 15 *China at War* (1945), No. 2, pp. 2-14, and Nos. 3-4, pp. 1-25; 39 *Am. Jour. Int. Law* (Supp., 1945), p. 264.

H. Borton, "United States Occupation Policies in Japan since Surrender," 62 *Political Science Quarterly* (1947), pp. 250-57; ———, "American Occupation Policies in Japan," 17 *U.S. Department of State Bulletin* (1947), pp. 1001-5; C. J. Friedrich and others, *American Experiences in Military Government in World War II* (New York, 1948), pp. 318-54; H. Holborn, *American Military Government* (Washington, 1947), pp. 87-99; Japanese Foreign Office, *Directives of the Supreme Commander for Allied Powers, 1945-1947* (Tokyo, 1945-1948), 5 vols.; W. Levi, "International Control of Japan," 15 *Far Eastern Survey* (1946), pp. 299-302; U.S. Department of State, *Occupation of Japan, Policy and Progress* (Publ. 2671, Far Eastern Series, No. 17), 173 pp.

Entered into force September 2, 1945.

Text from *U.S. Executive Agreement Series*, No. 493.

We, acting by command of and in behalf of the Emperor of Japan, the Japanese Government and the Japanese Imperial General Headquarters, hereby accept the provisions set forth in the declaration issued by the heads of the Governments of the United States, China and Great Britain on 26 July 1945, at Potsdam, and subsequently adhered to by the Union of Soviet Socialist Republics, which four powers are hereafter referred to as the Allied Powers.

We hereby proclaim the unconditional surrender to the Allied Powers of the Japanese Imperial General Headquarters and of all Japanese armed forces and all armed forces under Japanese control wherever situated.

We hereby command all Japanese forces wherever situated and the Japanese people to cease hostilities forthwith, to preserve and save from damage all ships, aircraft, and military and civil property and to comply with all requirements which may be imposed by the Supreme Commander for the Allied Powers or by agencies of the Japanese Government at his direction.

We hereby command the Japanese Imperial General Headquarters to issue at once orders to the Commanders of all Japanese forces and all forces under Japanese control wherever situated to surrender un-

conditionally themselves and all forces under their control.

We hereby command all civil, military and naval officials to obey and enforce all proclamations, orders and directives deemed by the Supreme Commander for the Allied Powers to be proper to effectuate this surrender and issued by him or under his authority and we direct all such officials to remain at their posts and to continue to perform their non-combatant duties unless specifically relieved by him or under his authority.

We hereby undertake for the Emperor, the Japanese Government and their successors to carry out the provisions of the Potsdam Declaration in good faith, and to issue whatever orders and take whatever action may be required by the Supreme Commander for the Allied Powers or by any other designated representative of the Allied Powers for the purpose of giving effect to that Declaration.

We hereby command the Japanese Imperial Government and the Japanese Imperial General Headquarters at once to liberate all allied prisoners of war and civilian internees now under Japanese control and to provide for their protection, care, maintenance and immediate transportation to places as directed.

The authority of the Emperor and

the Japanese Government to rule the state shall be subject to the Supreme Commander for the Allied Powers who will take such steps as he deems proper to effectuate these terms of surrender.

SIGNED at Tokyo Bay, Japan, at 0904 I on the second day of September, 1945.

MAMORU SHIGEMITSU, *By Command and in behalf of the Emperor of Japan and the Japanese Government*

YOSHIJIRO UMEZU, *By Command and in behalf of the Japanese Imperial General Headquarters*

Accepted at Tokyo Bay, Japan, at 0908 I on the second day of September, 1945, for the United States, Republic of China, United Kingdom and the Union of Soviet Socialist Republics, and in the interests of the other United Nations at war with Japan.

DOUGLAS MACARTHUR

Supreme Commander for the Allied Powers

C. W. NIMITZ, *United States Representative*; HSU YOUNG-CHANG, *Republic of China Representative*; BRUCE FRASER, *United Kingdom Representative*; DEREVYANKO, *Union of Soviet Socialist Republics Representative*; T. A. BLAMEY, *Commonwealth of Australia Representative*; MOORE COSGRAVE, *Dominion of Canada Representative*; LECLERC, *Provisional Government of the French Republic Representative*; D. E. L. HELFRICH, *Kingdom of the Netherlands Representative*; LEONARD M. ISITT, *Dominion of New Zealand Representative*.

No. 661a

Agreement for the Establishment of the Far Eastern Commission and of the Allied Council for Japan. Adopted at Moscow, December 27, 1945.

Accord sur l'établissement de la Commission d'Extrême-Orient et du Conseil allié pour le Japon. Adopté à Moscou, 27 décembre 1945.

EDITOR'S NOTE. This Agreement was formulated at the Moscow Conference of the Foreign Ministers of the United States, Great Britain, and the Soviet Union, December 16-26, 1946; it is embodied in Part II of the official report of the meeting, annexed to a joint communiqué of December 27, 1945. U.S. Department of State, *Moscow Meeting of Foreign Ministers* (Publ. 2448, Conference Series, No. 79), p. 9. The Far Eastern Commission replaced the Far Eastern Advisory Commission established in October 1945; its activities are described in the reports of its Secretary-General for 1946-1947 and 1947-1948, and the main decisions of the Commission are appended to these reports. U.S. Department of State, Publs. 2888 and 3420, Far Eastern Series, Nos. 24 and 29. With respect to the activities of the Allied Council for Japan, see 15 *U.S. Department of State Bulletin* (1946), p. 382; 1 *International Organization* (1947), pp. 169, 374, 547; 2 *idem* (1948), p. 151.

ACCEPTANCES. All of the states invited to participate in the Commission accepted the invitation.

BIBLIOGRAPHY. The text of this Agreement is also published in 13 *U.S. Department of State Bulletin* (1945), p. 1028; for a Spanish translation, see 5 *Revista peruana de derecho internacional* (1945), p. 379. For a report on the Moscow Conference by U.S. Secretary of State, see 13 *U.S. Department of State Bulletin* (1945), p. 1033.

Anon., "The Far Eastern Commission and the Allied Council for Japan," 17 *Current Notes on International Affairs* (1946), pp. 19-26, 595-609; Anon., "Canada and the Far Eastern Commission," 1 *Canada, External Affairs* (1948), No. B, pp. 3-7; S. S. Stratton, "The Far Eastern Commission," 2 *International Organization* (1948), pp. 1-18.

Entered into force December 27, 1945.

Text from *U.S. Treaties and Other International Acts Series*, No. 1555.

A.—FAR EASTERN COMMISSION

Agreement was reached, with the concurrence of China, for the establishment of a Far Eastern Commission to take the place of the Far Eastern Advisory Commission. The Terms of Reference for the Far Eastern Commission are as follows:

I.—*Establishment of the Commission*

A Far Eastern Commission is hereby established composed of the representatives of the Union of Soviet Socialist Republics, United Kingdom, United States, China, France, the Netherlands, Canada, Australia, New Zealand, India, and the Philippine Commonwealth.

II.—*Functions*

A. The functions of the Far Eastern Commission shall be:

1. To formulate the policies, principles, and standards in conformity with which the fulfillment by Japan of its obligations under the Terms of Surrender may be accomplished.

2. To review, on the request of any member, any directive issued to the Supreme Commander for the Allied Powers or any action taken by the Supreme Commander involving policy decisions within the jurisdiction of the Commission.

3. To consider such other matters as may be assigned to it by agreement among the participating Governments reached in accordance

with the voting procedure provided for in Article V-2 hereunder.

B. The Commission shall not make recommendations with regard to the conduct of military operations nor with regard to territorial adjustments.

C. The Commission in its activities will proceed from the fact that there has been formed an Allied Council for Japan and will respect existing control machinery in Japan, including the chain of command from the United States Government to the Supreme Commander and the Supreme Commander's command of occupation forces.

III.—*Functions of the United States Government*

1. The United States Government shall prepare directives in accordance with policy decisions of the Commission and shall transmit them to the Supreme Commander through the appropriate United States Government agency. The Supreme Commander shall be charged with the implementation of the directives which express the policy decisions of the Commission.

2. If the Commission decides that any directive or action reviewed in accordance with Article II-A-2 should be modified, its decision shall be regarded as a policy decision.

3. The United States Government may issue interim directives to the Supreme Commander pending action by the Commission whenever

urgent matters arise not covered by policies already formulated by the Commission; provided that any directives dealing with fundamental changes in the Japanese constitutional structure or in the regime of control, or dealing with a change in the Japanese Government as a whole will be issued only following consultation and following the attainment of agreement in the Far Eastern Commission.

4. All directives issued shall be filed with the Commission.

IV.—*Other Methods of Consultation*

The establishment of the Commission shall not preclude the use of other methods of consultation on Far Eastern issues by the participating Governments.

V.—*Composition*

1. The Far Eastern Commission shall consist of one representative of each of the States party to this agreement. The membership of the Commission may be increased by agreement among the participating Powers as conditions warrant by the addition of representatives of other United Nations in the Far East or having territories therein. The Commission shall provide for full and adequate consultations, as occasion may require, with representatives of the United Nations not members of the Commission in regard to matters before the Commission which are of particular concern to such nations.

2. The Commission may take action by less than unanimous vote provided that action shall have the concurrence of at least a majority of all the representatives including the representatives of the four following Powers: United States, United Kingdom, Union of Soviet Socialist Republics and China.

VI.—*Location and Organization*

1. The Far Eastern Commission shall have its headquarters in Wash-

ington. It may meet at other places as occasion requires, including Tokyo, if and when it deems it desirable to do so. It may make such arrangements through the Chairman as may be practicable for consultation with the Supreme Commander for the Allied Powers.

2. Each representative on the Commission may be accompanied by an appropriate staff comprising both civilian and military representation.

3. The Commission shall organize its secretariat, appoint such committees as may be deemed advisable, and otherwise perfect its organization and procedure.

VII.—*Termination*

The Far Eastern Commission shall cease to function when a decision to that effect is taken by the concurrence of at least a majority of all the representatives including the representatives of the four following Powers: United States, United Kingdom, Union of Soviet Socialist Republics and China. Prior to the termination of its functions the Commission shall transfer to any interim or permanent security organization of which the participating governments are members those functions which may appropriately be transferred.

It was agreed that the Government of the United States on behalf of the four Powers should present the Terms of Reference to the other Governments specified in Article I and invite them to participate in the Commission on the revised basis.

B.—*ALLIED COUNCIL FOR JAPAN*

The following agreement was also reached, with the concurrence of China, for the establishment of an Allied Council for Japan:

1. There shall be established an Allied Council with its seat in Tokyo under the chairmanship of the

Supreme Commander for the Allied Powers (or his Deputy) for the purpose of consulting with and advising the Supreme Commander in regard to the implementation of the Terms of Surrender, the occupation and control of Japan, and of directives supplementary thereto; and for the purpose of exercising the control authority herein granted.

2. The membership of the Allied Council shall consist of the Supreme Commander (or his Deputy) who shall be Chairman and United States member; a Union of Soviet Socialist Republics member; a Chinese member; and a member representing jointly the United Kingdom, Australia, New Zealand, and India.

3. Each member shall be entitled to have an appropriate staff consisting of military and civilian advisers.

4. The Allied Council shall meet not less often than once every two weeks.

5. The Supreme Commander shall issue all orders for the implementation of the Terms of Surrender, the occupation and control of Japan, and directives supplementary thereto. In all cases action will be carried out under and through the Supreme Commander who is the

sole executive authority for the Allied Powers in Japan. He will consult and advise with the Council in advance of the issuance of orders on matters of substance, the exigencies of the situation permitting. His decisions upon these matters shall be controlling.

6. If, regarding the implementation of policy decisions of the Far Eastern Commission on questions concerning a change in the regime of control, fundamental changes in the Japanese constitutional structure, and a change in the Japanese Government as a whole, a member of the Council disagrees with the Supreme Commander (or his Deputy), the Supreme Commander will withhold the issuance of orders on these questions pending agreement thereon in the Far Eastern Commission.

7. In cases of necessity the Supreme Commander may take decisions concerning the change of individual ministers of the Japanese Government, or concerning the filling of vacancies created by the resignation of individual cabinet members, after appropriate preliminary consultation with the representatives of the other Allied Powers on the Allied Council.

No. 662

AGREEMENT concerning the Establishment of a European Central Inland Transport Organization. Signed at London, September 27, 1945.

ACCORD portant création d'un Office Central des Transports Intérieurs Européens. Signé à Londres, 27 septembre 1945.

EDITOR'S NOTE. The Inter-Allied Committee on Post-War Requirements, set up in London in 1941, established a special Technical Advisory Committee on Inland Transport (called the Hondelink Committee), which held its first meeting in November 1942. *Br. Parl. Papers*, Misc. No. 3 (1940), Cmd. 6315, pp. 17-31. A Conference on European Inland Transport, held in London in October 1944, prepared a draft agreement which was brought into force provisionally by an agreement signed at London, May 8, 1945. *U.S. Executive*

Agreement Series, No. 458; *British Treaty Series*, No. 2 (1945), Cmd. 6640. The Conference reconvened on August 22, 1945, and this revised Agreement was signed on September 27, 1945. The records, assets, and liabilities of the provisional organization were transferred to the new Organization (ECITO) by a protocol of the same date. *U.S. Executive Agreement Series*, No. 494, p. 55; 5 *U.N. Treaty Series*, p. 362. The first session of the ECITO Council was held at London, October 12–November 5, 1945. In 1947, the functions of ECITO were transferred to the Inland Transport Committee of the United Nations Economic Commission for Europe. U.N. Economic and Social Council, *Official Records*, 2d Year, 5th Session, Supp. No. 3, pp. 8–9, 18–23.

ACCEPTANCES. Only Norway signed subject to approval, and its approval was communicated on December 11, 1946.

BIBLIOGRAPHY. The text of this Agreement is also published in 5 *U.N. Treaty Series*, p. 327; *British Treaty Series*, No. 34 (1946), Cmd. 6919; 54 *Bulletin des transports internationaux par chemins de fer* (1946), p. 13.

ECITO, Comité Exécutif, "Les activités de l'Office Central des Transports Intérieurs Européens, 1944–1946," 480 *La documentation française, Notes documentaires et études* (December 16, 1946), 26 pp.; E. R. Hondelink, "Transport Problems in Europe," 21 *International Affairs* (1945), pp. 512–21, L. A. Lewis, "Coordination of European Inland Transport, 1941–1948," 1 *U.S. Department of State, Documents and State Papers* (1948), pp. 451–80; C. S. Napier, "Allied Transportation in Europe, D Day to V Day," 22 *Journal of the Institute of Transport* (1946), pp. 230–38; C. Parry, "The European Central Inland Transport Organisation," 23 *British Year Book of International Law* (1946), pp. 465–76.

Entered into force September 27, 1945.¹

Text from *U.S. Executive Agreement Series*, No. 494.

Whereas, upon the liberation of the territories of the United Nations in Europe, and upon the occupation of the territories of the enemy in Europe, it is expedient for the fulfilment of the common military needs of the United Nations and in the interests of the social and economic progress of Europe, to provide for co-ordination both in the movement of traffic and in the allocation of transport equipment and material with a view to insuring the best possible movement of supplies both for military forces and the civil population and the speedy repatriation of displaced persons, and also with a view to creating conditions in which the normal movement of traffic can be more rapidly resumed;

The Governments whose duly authorised representatives have signed the present Agreement

Have agreed as follows:

Considérant qu'il est opportun, lors de la libération des territoires des Nations Unies en Europe et de l'occupation des territoires ennemis en Europe, en vue de satisfaire aux besoins militaires communs des Nations Unies et dans l'intérêt du progrès social et économique de l'Europe, de concerter l'action des autorités compétentes en matière de mouvement du trafic et de fourniture de moyens de transport et de matériel et

Estimant qu'ainsi le transport du ravitaillement destiné tant aux armées alliées qu'aux populations civiles sera amélioré autant que possible; que le retour rapide des personnes à rapatrier sera facilité; enfin, que le mouvement normal du trafic pourra être plus rapidement repris,

Les Gouvernements dont les Représentants dûment autorisés ont signé le présent accord

Sont convenus de ce qui suit:

¹ Filed with the Secretariat of the United Nations, No. 35, June 23, 1947.

ARTICLE I

There is hereby established the European Central Inland Transport Organisation, hereinafter called "the Organisation," which shall act in accordance with the provisions of the following Articles. The Organisation is established as a co-ordinating and consultative organ. Having regard to the successful completion of the war, it shall co-ordinate efforts to utilise all means of transport for the improvement of communications so as to provide for the restoration of normal conditions of economic life. It shall also provide assistance to the Allied Commanders-in-Chief and to the Occupation Authorities set up by Governments of the United Nations to maintain and improve the carrying capacity of transport.

ARTICLE 2.—*Membership*

The members of the Organization shall be the Governments signatory hereto and such other Governments as may be admitted thereto by the Council.

ARTICLE 3.—*Constitution*

1. The Organisation shall consist of a Council and an Executive Board with the necessary headquarters, regional and local staff. The Organisation shall concert arrangements for the establishment of regional and local offices with the Member Governments in whose territory the offices are situated and/or in appropriate cases in agreement with the Allied Commander-in-Chief concerned.

The Council

2. Each member Government shall name one representative and such alternates as may be necessary upon the Council. The Council shall, for each of its sessions, select one of its members to preside. The Council shall determine its own rules of procedure. Unless otherwise provided

ARTICLE I

Il est créé par le présent accord un Office Central des Transports Intérieurs Européens, ci-après dénommé "l'Office", qui exercera son activité dans les conditions prévues par les articles qui suivent. L'Office est établi en qualité d'organisme de coordination et de consultation. Etant donné l'heureuse issue de la guerre, il coordonne les efforts tendant à utiliser tous moyens de transport en vue de l'amélioration des communications, de manière à aider au rétablissement des conditions normales de la vie économique. Il aidera également les Commandants en Chef Alliés et les Autorités d'occupation établies par les Gouvernements des Nations Unies à maintenir et à améliorer les possibilités de transport.

ARTICLE 2.—*Composition*

Sont membres de l'Office les Gouvernements contractants et tels autres Gouvernements qui pourront y être admis par le Conseil.

ARTICLE 3.—*Constitution*

1. L'Office comporte un Conseil, un Comité Exécutif, et les services centraux, régionaux et locaux nécessaires. En vue de déterminer les modalités d'établissement des bureaux régionaux et locaux, l'Office se consulte avec les Gouvernements contractants sur les territoires desquels ces bureaux sont situés, et, éventuellement, avec le Commandant en Chef Allié dont l'accord est nécessaire.

Conseil

2. Chaque Gouvernement contractant nomme un représentant au Conseil et autant de suppléants qu'il est nécessaire. Le Conseil choisit l'un de ses membres pour présider chacune de ses sessions. Le Conseil fixe ses propres règles de procédure. A moins qu'il n'en soit

in this Agreement or by action of the Council, the Council shall vote by simple majority.

3. The Council shall be convened in regular session not less than twice a year by the Executive Board. It may be convened in special session whenever the Executive Board shall deem necessary and shall be convened within thirty days after request by one-third of the members of the Council.

4. The Council shall perform the functions assigned to it under this Agreement and review the work of the Organisation generally to ensure its conformity with the broad policies determined by the Council.

The Executive Board

5. The Executive Board shall consist of seven members who shall be appointed by the Council. These seven members shall include one member nominated by each of the following Governments: the Provisional Government of the French Republic and the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Each member of the Executive Board shall be provided with an alternate similarly selected, who shall act only in the absence of the member of the Executive for whom he is the alternate. The members and their alternates shall be appointed for not longer than one year. The Executive Board shall choose its own Chairman, subject to confirmation by the Council.

6. The Executive Board shall perform the executive functions assigned to the Organisation within the framework of the broad policies determined by the Council. It shall act in accordance with the ruling of the majority of its members. It shall present to the Council such reports on the performance of its functions as the Council may require.

disposé autrement dans le présent accord ou par le Conseil, les décisions de ce dernier sont prises à la majorité simple.

3. Le Conseil est réuni en session ordinaire au moins deux fois par an par le Comité Exécutif. Il peut être réuni en session spéciale chaque fois que le Comité Exécutif l'estime nécessaire et se réunira également dans les 30 jours après que la demande en aura été faite par le tiers des membres du Conseil.

4. Le Conseil remplit les fonctions qui lui sont assignées par le présent accord et exerce un contrôle d'ordre général sur l'activité de l'Office, pour en assurer la conformité avec les directives qu'il a lui-même établies.

Comité Exécutif

5. Le Comité Exécutif est composé de sept membres nommés par le Conseil. Ceux-ci comprennent un membre désigné par chacun des Gouvernements suivants: le Gouvernement Provisoire de la République Française, et les Gouvernements des Etats-Unis d'Amérique, du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et de l'Union des Républiques Socialistes. Chaque membre du Comité Exécutif est pourvu d'un suppléant choisi de la même manière, qui n'exerce ses fonctions qu'en l'absence du membre du Comité dont il est le suppléant. Les membres et leurs suppléants sont désignés pour une période ne dépassant pas un an. Le Comité Exécutif choisit son Président sous réserve de confirmation par le Conseil.

6. Le Comité Exécutif remplit les fonctions de direction assignées à l'Office dans le cadre des directives arrêtées par le Conseil. Il agit en conformité des décisions de la majorité de ses membres. Il présente au Conseil sur l'accomplissement de sa mission les rapports que le Conseil peut lui demander.

7. The Executive Board shall appoint a chief officer who shall direct under its supervision the technical and administrative work of the Organisation in conformity with the policies of the Council and the Executive Board as determined by their decisions. This officer shall appoint the staff at headquarters and at regional and local offices, subject to the approval of the Executive Board, taking into account the exigencies of the various branches of transport concerned. The responsibilities of the chief officer and staff shall be exclusively international in character.

8. Each member Government shall appoint one or more representatives for the purpose of consultation and communication with the Executive Board, and with the Chief Officer. Such representatives shall be fully informed by the Board and by the Chief Officer of all activities of the Organisation. Each time that any important question concerning the interests of a member Government is discussed by the Board, the representatives of that Government shall be entitled to take part in the discussions without the right of vote.

ARTICLE 4

1. The Organisation shall have the capacity to perform any legal act appropriate to its object and purposes, including the power to acquire, hold and convey property, to enter into contracts and undertake obligations, to designate or create subordinate organs and to review their activity. The Organisation shall not, however, have power to own transport equipment and material other than for its own internal or demonstration purposes, except with the unanimous consent of the Council.

2. These powers are vested in the Council. Subject to the provisions of paragraph 2 of Article 5, the Coun-

7. Le Comité Exécutif désigne un Directeur Général pour diriger, sous son contrôle, le travail technique et administratif de l'Office, dans le cadre des décisions du Conseil et du Comité Exécutif définissant leurs directives. Le Directeur Général nomme le personnel des services centraux, régionaux et locaux sous réserve de l'approbation du Comité Exécutif, en tenant compte des exigences des diverses catégories de transports intéressés. Les responsabilités du Directeur Général et du personnel sont de nature exclusivement internationale.

8. Chaque Gouvernement contractant désigne un ou plusieurs représentants aux fins de se concerter avec le Comité Exécutif et le Directeur Général et de communiquer avec eux. Ces représentants sont tenus pleinement informés par le Comité et par le Directeur Général de toutes les activités de l'Office. Chaque fois qu'une question importante concernant les intérêts d'un Gouvernement contractant est discutée par le Comité, les représentants de ce Gouvernement ont la faculté de prendre part à la discussion, sans droit de vote.

ARTICLE 4

1. L'Office a le pouvoir d'accomplir tout acte juridique approprié à ses activités, y compris celui d'acquérir des biens, de les conserver et d'en disposer, de signer des contrats, d'assumer des obligations, de désigner ou de créer des organismes subordonnés et de contrôler leur activité. Toutefois, l'Office n'a pas le pouvoir, sauf avec le consentement unanime du Conseil, de posséder du matériel de transport autre que celui destiné à assurer son fonctionnement administratif normal ou à lui permettre de procéder à des démonstrations.

2. Les pouvoirs définis ci-dessus appartiennent au Conseil. Sous réserve des dispositions du paragraphe

cil may delegate such of these powers as it may deem necessary to the Executive Board, including the power of subdelegation. The Executive Board shall be responsible to the Council for the upkeep and administration of any property owned by the Organisation.

ARTICLE 5.—*Finance*

1. The Executive Board shall submit to the Council an initial budget and from time to time such supplementary budgets as may be required, covering the administrative expenses of the Organisation. Upon approval of a budget by the Council, the total amount approved shall be raised in such manner, or be allocated between member Governments in such proportions, as these Governments may agree. Each member Government undertakes, subject to the requirements of its constitutional procedure, promptly to contribute to the Organisation, in such currency or currencies as may be agreed by such Government with the Executive Board, its share of these expenses. Each member Government shall also provide such facilities as are required for the transfer into other currencies of sums so contributed and held by the Organisation in that Government's own currency.

2. The Organisation shall not incur any expenses, other than administrative expenses, except under the authority of the Council. Proposals for such expenses shall be submitted by the Executive Board to the Council and, when approved by the Council, such expenses shall be met by contributions which one or more member Governments may agree to make or in such other manner as may be agreed between member Governments. However, the obligation of transfer into foreign currencies, as defined in paragraph 1 of this Article, does not apply to these contributions.

2 de l'article 5, le Conseil peut déléguer au Comité Exécutif tels de ses pouvoirs qu'il juge utile, y compris le pouvoir de sous-délégation. Le Comité Exécutif est responsable devant le Conseil de l'entretien et de l'administration de tous biens possédés par l'Office.

ARTICLE 5.—*Ressources*

1. Le Comité Exécutif soumet au Conseil un budget initial et, de temps à autre, en tant que de besoin, des budgets supplémentaires, couvrant les dépenses administratives de l'Office. Après l'approbation d'un budget par le Conseil, le montant total en est perçu suivant les procédures, ou reparté entre les Gouvernements contractants, dans les proportions qui auront pu être fixées d'un commun accord par ces Gouvernements. Chaque Gouvernement contractant s'engage, sous réserve des exigences de sa procédure constitutionnelle, à verser promptement sa part des frais de l'Office en telle monnaie dont il pourra être convenu avec le Comité Exécutif. Chaque Gouvernement contractant doit aussi faciliter, en tant que de besoin, le transfert en d'autres monnaies des sommes ainsi versées dans sa propre monnaie et détenues par l'Office.

2. L'Office n'engage aucune dépense autre que des dépenses administratives, si ce n'est par décision du Conseil. Les autres dépenses font l'objet de propositions soumises par le Comité Exécutif au Conseil et, après approbation par le Conseil, sont couvertes par les contributions qu'un ou plusieurs Gouvernements contractants pourraient consentir à fournir, ou de telle autre manière dont les Gouvernements contractants pourraient convenir. Toutefois, l'obligation relative aux transferts en monnaies étrangères, stipulée au paragraphe 1 du présent article, n'est pas applicable à ces contributions.

3. Nothing in this Agreement shall require any member Government or transport administration under its authority to perform services without remuneration.

ARTICLE 6.—*Scope of the Organisation*

1. The Organisation shall, after giving notice of its intention, exercise its functions in any territory in Continental Europe, upon the acceptance of this Agreement by the Government of that territory and/or, in appropriate cases, provided that the Allied Commander-in-Chief concerned is satisfied that military exigencies permit and subject to such conditions as he may deem necessary.

2. In respect of any territory in Continental Europe in which any Allied Commander-in-Chief retains responsibility for the direction of the transport system, the Organisation shall on request give advice or assistance to the Allied Commander-in-Chief, and, in consultation with him, to any member Government or to other appropriate authorities of the United Nations, on any question with which it is empowered to deal under Article 7.

3. The Organisation shall treat with any of the Occupation Authorities set up by Governments of the United Nations in respect of any territory in Continental Europe in which such Occupation Authorities are exercising authority.

ARTICLE 7.—*Executive Functions of the Organisation*

Introductory

1. The Organisation shall carry out thorough studies of the technical and economic conditions affecting traffic of an international character and shall give to the Governments concerned with such traffic technical advice and recommendations di-

3. Aucune disposition du présent accord ne peut être interprétée comme obligeant un Gouvernement contractant, ou une administration de transport placée sous l'autorité de celui-ci, à effectuer des services sans rémunération.

ARTICLE 6.—*Champ d'Action de l'Office*

1. Après en avoir avisé le Gouvernement intéressé, l'Office exerce ses activités dans tout territoire de l'Europe Continentale dès l'acceptation du présent accord par ledit Gouvernement, et, éventuellement, dès que le Commandant en Chef Allié intéressé le juge possible du point de vue des nécessités militaires, et sous réserve des modalités qu'il estimerait utile de fixer.

2. En ce qui concerne tout territoire de l'Europe Continentale sur lequel un Commandant en Chef Allié conserve la responsabilité de la direction des transports, et sur toutes questions de sa compétence aux termes de l'Article 7, l'Office donne, sur demande, avis ou assistance à ce Commandant en Chef Allié et, en liaison avec lui, à tout Gouvernement contractant ou à toute autre Autorité compétente des Nations Unies.

3. L'Office traite avec toutes Autorités d'occupation établies par les Gouvernements des Nations Unies, en ce qui touche les territoires de l'Europe Continentale sur lesquels ces Autorités d'occupation exercent leurs pouvoirs.

ARTICLE 7.—*Fonctions de Direction de l'Office*

Introduction

1. L'Office procède à des études approfondies des conditions techniques et économiques affectant le trafic de caractère international et donne aux Gouvernements intéressés à ce trafic tous avis techniques et recommandations en vue de rétablir

rected to restoring and increasing the carrying capacity of the transport systems in Continental Europe and to co-ordinating the movement of traffic of common concern on these systems.

2. In case any member Government meets with difficulties in carrying out these recommendations owing to reasons of a material or economic character, the Organisation shall investigate with member Governments concerned means of practical help.

Information on Transport Equipment and Material

3. The Organisation shall receive and collect information concerning the requirements of transport equipment and material for Continental Europe.

Realisation of Requirements for Transport Equipment and Material

4. The Organisation shall assist the realisation of requirements of any member Government in Continental Europe for transport equipment and material.

Allocation and Distribution for Use of Transport Equipment and Material

5. The Organisation shall, within the framework of the priorities determined by the appropriate authorities of the United Nations, determine the allocation, or distribution for use, to Governments in Continental Europe, on such conditions as it may deem necessary, of such transport equipment and material as may be made available for this purpose by the Allied Commanders-in-Chief, by Occupation Authorities, or by agencies of any one or more of the United Nations. To enable the Organisation to carry out this function effectively, it may consult with the Governments concerned on their export possibilities of, and import needs of, transport equipment and material for Continental Europe and will receive from such Governments noti-

et d'augmenter la capacité des réseaux de transport de l'Europe Continentale et de coordonner les mouvements du trafic d'intérêt commun sur ces réseaux.

2. Lorsqu'un Gouvernement contractant rencontre des difficultés dans l'application de ces recommandations pour des motifs d'ordre matériel ou économique, l'Office recherche avec les Gouvernements contractants intéressés des moyens d'aide pratique.

Renseignements sur le Matériel de Transport

3. L'Office reçoit et réunit les informations concernant les besoins en matériel de transport de l'Europe Continentale.

Satisfaction des Besoins en Matériel de Transport

4. L'Office donne son aide à tous les Gouvernements contractants en Europe Continentale en vue de la satisfaction de leurs besoins en matériel de transport.

Attribution et Répartition du Matériel de Transport

5. Dans le cadre des priorités établies par les Autorités compétentes des Nations Unies, l'Office attribue aux Gouvernements en Europe Continentale ou répartit entre ces Gouvernements pour usage, et sous telles conditions qui peuvent être jugées nécessaires, le matériel de transport qui peut être rendu disponible à cet effet par les Commandants en Chef Alliés, par les Autorités d'occupation ou par les organismes relevant d'une ou de plusieurs des Nations Unies. Pour pouvoir exercer ces fonctions avec efficacité, l'Office peut se concerter avec les Gouvernements intéressés sur leurs possibilités d'exportation et leurs besoins d'importation pour l'Europe Continentale en matériel de transport; il est avisé par ces

fication of all arrangements made in respect thereto of which they have notice.

Arrangements to Make Mobile Transport Equipment and Material Available

6. In cases where temporary emergency requirements of mobile transport equipment for carrying traffic of common concern arise and the usual arrangements for the interchange of such mobile transport equipment are inadequate, the Organisation shall arrange with member Governments concerned to make available mobile transport equipment for the purpose of meeting such requirements. Such mobile transport equipment shall be made available under arrangements made between the member Governments concerned, with the assistance of the Organisation.

Census of Transport Equipment and Material

7. The Organisation shall at the earliest practicable time arrange through the member Governments for a census of rolling-stock in Continental Europe and of such other transport equipment and material there as may appear necessary for the proper discharge of its functions.

Identification and Restoration of Transport Equipment and Material

8. The Organisation shall arrange, as soon as practicable, to restore to any member Government transport equipment and material belonging to it or to its nationals, found outside the territories under its authority and outside its control. Should any difficulties of identification arise, the Organisation shall arrange immediately for such special measures to be taken as may be necessary to meet them. Where such restoration would unduly prejudice the operation of essential transport, the Organisation shall work out agreements with the Governments con-

Gouvernements de tous arrangements faits à ce sujet dont ils auraient connaissance.

Arrangements en vue de rendre disponible du Matériel de Transport

6. S'il se présente des besoins urgents et temporaires de matériel mobile de transport pour faire face à un trafic d'intérêt commun, et si les arrangements habituels concernant l'échange de ce matériel se révèlent insuffisants, l'Office s'entend avec les Gouvernements contractants intéressés pour rendre disponibles les moyens de transport nécessaires à la satisfaction de ces besoins. De tels moyens de transport sont rendus disponibles par des arrangements entre les Gouvernements contractants intéressés, avec l'assistance de l'Office.

Recensement du Matériel de Transport

7. L'Office fait procéder, aussitôt que possible, par l'entremise des Gouvernements contractants, à un recensement du matériel roulant en Europe Continentale et de telles catégories de matériel de transport qui paraîtraient nécessaires pour lui permettre de remplir correctement ses fonctions.

Identification et Restitution du Matériel de Transport

8. L'Office prend aussitôt que possible les dispositions voulues en vue de la restitution au Gouvernement contractant intéressé du matériel de transport appartenant à ce Gouvernement ou à ses ressortissants et trouvé en dehors des territoires relevant de son autorité, et dans des conditions telles qu'il échappe à son contrôle. Si des difficultés d'identification venaient à apparaître, l'Office veillerait immédiatement à ce que soient prises toutes mesures spéciales qui seraient nécessaires en vue de les résoudre. Au cas où une restitution ainsi opérée entraverait

cerned for the temporary use of transport equipment pending its restoration. The arrangements for restoration shall be made on the basis of the ownership of the property which existed before any territorial changes in Europe, resulting from Axis policy, and in accordance with any general policies which may be determined by the appropriate authorities of the United Nations regarding restoration and restitution of the property removed by the enemy.

Traffic

9. The Organisation may make such recommendations to the appropriate authorities as it deems necessary with respect to the method of carrying out projected movements of traffic of common concern, having regard to the transport facilities available for the movement of such traffic.

10. The Organisation shall make recommendations to the Governments concerned in order to ensure the movement of traffic of common concern on all routes of transport in Continental Europe in accordance with the priorities determined by the appropriate authorities of the United Nations. In respect of traffic of military importance sponsored by the Allied Commanders-in-Chief, the appropriate authority for this purpose will be the Allied Commander-in-Chief concerned.

Charges

11. The Organisation may work out the unification of tariffs, terms and conditions of transport and the like, applicable to traffic of an international character. It shall recommend to the Governments concerned the principles by which reasonable transport charges for traffic of common concern in Continental Europe

indûment des transports essentiels, l'Office négocierait des accords avec les Gouvernements intéressés pour l'usage temporaire de ce matériel de transport en attendant sa restitution. Il sera procédé aux restitutions sur la base de l'état de propriété existant avant que des modifications territoriales n'aient eu lieu en Europe sous l'effet de la politique de l'Axe et dans le cadre de la politique générale qui pourrait être déterminée par les Autorités compétentes des Nations Unies en ce qui concerne la restitution et le remplacement des biens enlevés par l'ennemi.

Trafic

9. L'Office peut faire telles recommandations qu'il estime nécessaire aux Autorités compétentes au sujet des modalités des programmes concernant le trafic d'intérêt commun, en tenant compte des moyens et du matériel disponibles pour assurer ce trafic.

10. L'Office fait des recommandations aux Gouvernements intéressés en vue d'assurer le trafic d'intérêt commun sur tous les itinéraires de transport en Europe Continentale, en accord avec les priorités établies par les Autorités compétentes des Nations Unies. En ce qui concerne le trafic d'intérêt militaire relevant des Commandants en Chef Alliés, l'Autorité compétente à cet égard est le Commandant en Chef Allié intéressé.

Tarifs

11. L'Office peut étudier l'unification des tarifs, des clauses et des conditions de transport applicables au trafic de caractère international, ainsi que les questions connexes. Il recommande aux Gouvernements intéressés les principes d'après lesquels des tarifs raisonnables pour le trafic d'intérêt commun en Europe Con-

should be fixed by them in accordance with the provisions of paragraph 9 of Article 8. This paragraph shall not apply to military traffic under the control of any Allied Commander-in-Chief except at his request.

Rehabilitation of Transport Systems

12. The Organisation may study the conditions of transport affecting traffic of an international character in individual countries and make recommendations to the Governments concerned as to technical measures directed to the quickest restoration of transport facilities and their most effective use, and as to the priority in which works or projects in respect of the restoration or improvement of transport facilities shall be carried out.

Operation of Transport

13. While it remains the task of each member Government to provide for the efficient operation of the transport systems in Continental Europe for which it is responsible, the Organisation may exceptionally, at the request of any member Government, give any assistance in its power in the rehabilitation or operation of transport in any territory in Continental Europe under the authority of such Government on such conditions as may be agreed between it and the Organisation, having due regard to the rights of other member Governments.

Co-ordination of European Transport

14. The Organisation shall work out and co-ordinate common action to secure the inauguration, maintenance, modification, resumption or, where appropriate, suppression, of international arrangements for through working of railways and exchange of rolling-stock of the Conti-

tinental devraient être fixés par eux conformément aux dispositions du paragraphe 9 de l'Article 8. Le présent paragraphe ne s'applique pas au trafic militaire sous le contrôle d'un Commandant en Chef Allié, sauf s'il en fait la demande.

Remise en état des Moyens de Transport

12. L'Office peut étudier les conditions de transport intéressant le trafic de caractère international dans des pays déterminés et faire aux Gouvernements intéressés des recommandations en ce qui concerne les mesures techniques susceptibles d'assurer le rétablissement rapide des moyens de transport, leur utilisation la plus efficace et les priorités selon lesquelles les travaux ou projets concernant la remise en état ou l'amélioration de ces moyens devraient être exécutés.

Exploitation

13. Bien qu'il appartienne à chaque Gouvernement contractant d'assurer l'exploitation satisfaisante des moyens de transport dont il est responsable en Europe Continentale, l'Office peut, exceptionnellement, à la demande de l'un quelconque des Gouvernements contractants, donner à celui-ci toute l'aide en son pouvoir pour la remise en état ou l'exploitation des transports dans tous les territoires de l'Europe Continentale sous l'autorité de ce Gouvernement, aux conditions fixées d'accord entre ce Gouvernement et l'Office, compte tenu des droits des autres Gouvernements contractants.

Coordination des Transports Européens

14. L'Office prépare et coordonne l'action commune en vue d'assurer l'établissement, le maintien, la modification, le rétablissement, ou, s'il est opportun, la suppression d'arrangements internationaux pour l'exploitation en transit des chemins de fer et l'échange du matériel roulant

mental European countries for carrying out international transport. In particular, it shall ensure a unified clearing system for traffic operations between the different countries in Continental Europe. In general, it shall promote where necessary the establishment of appropriate machinery for co-operation between railway administrations.

15. The Organisation shall place its services at the disposal of member Governments and make recommendations with a view to ensuring the most efficient movement of international traffic on waterways. It shall not, however, make recommendations with regard to questions concerning the régimes of the international inland waterways of Continental Europe.

16. The Organisation shall take through the Governments concerned such steps as may be practicable to facilitate international traffic of common concern in lorries and other road vehicles and the co-ordination of road and other means of transport with a view to ensuring the movement of international traffic.

17. In carrying out the functions mentioned in paragraphs 14 and 16 of this Article and in placing its services at the disposal of member Governments as described in paragraph 15 of this Article, the Organisation shall make use, to the extent practicable, of conventions in force between member Governments so as to obtain the greatest benefit therefrom for the fulfilment of this task, provided that the Organisation shall act—

(a) in accordance with any general policies which may be determined by the appropriate authorities of the United Nations; and

(b) with due respect for existing rights and obligations.

dans les pays de l'Europe Continentale, en vue d'assurer les transports internationaux. En particulier, il établit un système de clearing unifié pour le trafic entre les différents pays de l'Europe Continentale. En général l'Office provoque, là où les circonstances le demandent, l'établissement de procédures appropriées pour la coopération entre les administrations des Chemins de Fer.

15. L'Office met ses services à la disposition des Gouvernements contractants et fait des recommandations en vue d'assurer sur toutes les voies navigables le trafic international de la manière la plus satisfaisante. Il ne fera pas toutefois de recommandations portant sur des questions concernant le régime des voies navigables internationales en Europe Continentale.

16. L'Office prend, par l'entremise des Gouvernements intéressés, toutes mesures pratiquement applicables, de manière à faciliter le trafic international d'intérêt commun par camions et autres véhicules routiers, et la coordination des moyens de transport routiers avec les autres moyens de transport, en vue d'assurer la circulation du trafic international.

17. En remplissant les fonctions définies aux paragraphes 14 et 16 du présent article et en mettant ses services à la disposition des Gouvernements contractants comme il est dit au paragraphe 15 du présent article, l'Office applique dans la mesure du possible les conventions en vigueur entre les Gouvernements contractants de manière à en tirer le plus grand avantage pour l'accomplissement de sa mission dans ce domaine, et à cet effet l'Office agit—

(a) en accord avec les directives générales qui peuvent être données par les Autorités compétentes des Nations Unies;

(b) en respectant les obligations et droits existants.

18. The Organisation shall make recommendations to the Governments concerned designed to promote adequate co-ordination of all European transport for the fulfilment of the common military needs of the United Nations or in the interests of traffic of an international character.

Relations with other Agencies

19. The Organisation shall cooperate as may be required with the appropriate authorities and agencies of any one or more of the United Nations and with international organisations.

20. The Organisation shall provide all possible assistance to the Allied Commanders-in-Chief in meeting their needs for transport facilities and improving the use of these facilities for the successful fulfilment of military requirements.

21. The Organisation shall arrange for consultation, through appropriate machinery, with representatives of persons employed in inland transport on international questions of mutual concern to the Organisation and such representatives within the field of the Organisation's activities.

Miscellaneous

22. The Organisation may advise the Governments concerned and the appropriate authorities of the United Nations on the priority to be given, in the interests of the rehabilitation of European transport, to the repatriation of displaced transport personnel and to workers required for the production, maintenance or repair of transport equipment and material.

23. The Organisation shall give all practicable assistance through the appropriate authorities to any member Government at its request in obtaining supplies of fuel, power and lubricants to meet the needs of traffic of common concern, in order

18. L'Office adresse aux Gouvernements intéressés des recommandations tendant à promouvoir la coordination nécessaire de tous les transports européens, en vue d'assurer les besoins militaires communs des Nations Unies ou dans l'intérêt du trafic de caractère international.

Relations avec les autres Organismes

19. L'Office coopère, en tant que de besoin, avec les Autorités compétentes ou organismes relevant d'une ou plusieurs des Nations Unies et avec les organisations internationales.

20. L'Office donne toute assistance possible aux Commandants en Chef Alliés pour faire face à leurs besoins en matière de matériel et d'équipement de transport, de manière à améliorer le rendement de ces derniers en vue de la satisfaction des besoins militaires.

21. L'Office prend toutes dispositions pour se concerter, selon les procédures appropriées, avec les représentants des personnes employées dans les transports intérieurs au sujet des questions internationales de la compétence de l'Office et intéressant aussi bien celui-ci que lesdites personnes.

Dispositions diverses

22. L'Office peut donner des avis aux Gouvernements intéressés et à toutes les Autorités compétentes des Nations Unies sur les priorités à accorder, dans l'intérêt de la réorganisation des transports européens, au rapatriement du personnel des transports déporté et à la main-d'oeuvre exigée pour la production, l'entretien ou les réparations du matériel de transport.

23. L'Office donne toute l'assistance possible, par l'entremise des Autorités compétentes, aux Gouvernements contractants, et à la demande de ceux-ci, pour leur procurer des approvisionnements en combustibles, en carburants, en éner-

that that Government may fulfil its obligations under paragraph 7 of Article 8.

ARTICLE 8.—Obligations of Member Governments

Information

1. Every member Government, in respect of any territory which is under its authority and in the field of activity of the Organisation, shall, upon request of the Organisation, provide it with such information as is essential for the performance of its functions.

Census of Transport Equipment and Material

2. Every member Government undertakes to co-operate fully with the Organisation in arranging any census for which provision is made in paragraph 7 of Article 7.

Identification and Restoration of Transport Equipment and Material

3. Every member Government, in respect of any territory which is under its authority and in the field of activity of the Organisation, undertakes that—

(i) It will facilitate the execution of paragraph 8 of Article 7.

(ii) It will not seize:

(a) transport equipment and material in Continental Europe found outside the territories under its authority, even though such equipment and material may belong to it or to any of its nationals;

(b) transport equipment and material found within territory under its authority but not belonging to it or any of its nationals;

(c) transport equipment and material coming within territory under its authority as the result of arrangements made under the auspices of the Organisation for the movement of traffic of common concern;

provided, however:

gie électrique et en lubrifiants en vue d'assurer les besoins du trafic d'intérêt commun, de telle manière que ces Gouvernements puissent remplir leurs obligations conformément au paragraphe 7 de l'Article 8.

ARTICLE 8.—Obligations des Gouvernements contractants

Renseignements

1. Chaque Gouvernement contractant, pour ce qui concerne tout territoire relevant de son autorité et rentrant dans la compétence de l'Office, fournit à celui-ci, sur sa demande, tous renseignements indispensables à l'exercice des fonctions qui lui sont dévolues.

Recensement du Matériel de Transport

2. Chaque Gouvernement contractant s'engage à coopérer pleinement avec l'Office pour effectuer tout recensement prévu au paragraphe 7 de l'Article 7.

Identification et Restitution du Matériel de Transport

3. Chaque Gouvernement contractant, pour ce qui concerne tout territoire relevant de son autorité et rentrant dans la compétence de l'Office, prend l'engagement:

1° de faciliter l'exécution du paragraphe 8 de l'Article 7;

2° de ne pas saisir:

(a) du matériel de transport en Europe Continentale trouvé en dehors des territoires relevant de son autorité, même si celui-ci lui appartient ou appartient à ses ressortissants;

(b) du matériel de transport trouvé sur un territoire relevant de son autorité mais qui n'appartient ni à lui-même, ni à ses ressortissants;

(c) du matériel de transport entrant dans un territoire relevant de son autorité en vertu d'arrangements conclus sous les auspices de l'Office en vue d'améliorer le trafic d'intérêt commun;

Etant entendu toutefois:

(i) that every member Government shall be permitted to use equipment defined under (b) and (c) above subject to the provisions of paragraphs 5 and 8 of Article 7 and, in the case of enemy or ex-enemy transport equipment and material, without prejudice to its ultimate disposal by the appropriate authorities of the United Nations; and

(ii) that nothing in this paragraph shall debar any member Government or any of its nationals from continuing the management of its or his own inland vessels.

4. The provisions of paragraph 3 of this Article shall not affect the rights of the Allied Commanders-in-Chief within any territory in respect of which the Organisation has not begun to exercise its functions under Article 7.

Traffic

5. Every member Government undertakes to ensure by any means in its power the best possible movement of traffic of common concern in accordance with the recommendations made by the Organisation under paragraph 10 of Article 7.

6. Every member Government undertakes to provide inland vessels under its control in Continental Europe required for traffic of common concern,

(i) in accordance with the recommendations of the Organisation generally, and

(ii) if signatory to the Annex to this Agreement, in accordance with its terms.

Provision of Fuel, Power and Lubricants

7. Every member Government shall take all measures necessary and

1) que chaque Gouvernement contractant est autorisé à utiliser le matériel de transport visé sous les alinéas (b) et (c) ci-dessus, sous réserve des stipulations des paragraphes 5 et 8 de l'Article 7 et, dans le cas du matériel de transport ennemi ou ex-ennemi, sans préjudice de l'attribution finale de celui-ci par les Autorités compétentes des Nations Unies; et

2) qu'aucune disposition du présent paragraphe ne met obstacle à ce qu'un Gouvernement contractant, ou les ressortissants de ce dernier, continuent à gérer leurs bateaux de navigation intérieure.

4. Les dispositions du paragraphe 3 du présent article n'affectent pas les droits des Commandants en Chef Alliés à l'intérieur de tout territoire sur lequel l'Office n'a pas commencé à exercer ses fonctions telles qu'elles sont définies par l'Article 7.

Traffic

5. Chaque Gouvernement contractant s'engage à assurer, par tous les moyens en son pouvoir, la meilleure circulation possible du trafic d'intérêt commun, conformément aux recommandations faites par l'Office en vertu du paragraphe 10 de l'Article 7.

6. Chaque Gouvernement contractant s'engage à procurer les bateaux de navigation intérieure nécessaires au trafic d'intérêt commun se trouvant sous son contrôle en Europe Continentale:

1° conformément aux recommandations de l'Office d'une manière générale;

2° si ce Gouvernement est signataire de l'annexe au présent accord, conformément aux dispositions de celle-ci.

Ravitaillement en Combustibles, Carburants, Énergie électrique et Lubrifiants

7. Chaque Gouvernement contractant prend dans la limite du

practicable to ensure, in respect of the territory in Continental Europe under its authority, that adequate supplies of fuel, power and lubricants are available for traffic of common concern, provided that the Organisation has made suitable arrangements with the Government concerned.

Charges

8. Every member Government undertakes not to levy or permit the levy of customs duties or other charges, other than transport charges, and admissible transit charges on traffic of common concern in transit through territories in Continental Europe under its authority. No discrimination shall be made in respect of import duties levied on goods of common concern, dependent on the route the goods have travelled prior to importation into the country concerned.

9. Every member Government undertakes to secure that transport charges made within territories in Continental Europe under its authority on traffic of common concern, including such traffic in transit through such territories, shall be as low and simple and as uniform with those in other territories, to which this Agreement applies, as is practicable. Every member Government shall give the fullest consideration to recommendations made by the Organisation in accordance with paragraph 11 of Article 7 and report to the Organisation on the action taken.

Miscellaneous

10. Every member Government undertakes to co-operate with the Organisation in the exercise of its functions under paragraphs 14 and 16 of Article 7.

possible toutes mesures nécessaires en ce qui concerne les territoires de l'Europe Continentale relevant de son autorité, pour qu'un ravitaillement suffisant en combustibles, carburants, énergie électrique et lubrifiants, soit disponible pour le trafic d'intérêt commun, sous réserve que l'Office ait conclu des arrangements adéquats avec le Gouvernement intéressé.

Perceptions

8. Chaque Gouvernement contractant s'engage à ne pas percevoir et à ne pas autoriser la perception de droits de douane et d'autres droits, si ce n'est les frais de transport et les frais de transit normaux, sur le trafic d'intérêt commun transitant sur les territoires de l'Europe Continentale relevant de son autorité. Aucune discrimination n'est faite en ce qui concerne les droits d'importation perçus sur les matières d'intérêt commun, suivant l'itinéraire que ces matières ont emprunté avant leur importation dans le pays intéressé.

9. Chaque Gouvernement contractant s'engage à prendre des dispositions pour que les tarifs de transport perçus sur les territoires de l'Europe Continentale relevant de son autorité intéressant le trafic d'intérêt commun, y compris le trafic en transit par lesdits territoires, soient aussi modérés, simples et voisins de ceux perçus sur les autres territoires auxquels le présent accord est appliqué, qu'il est possible. Chaque Gouvernement contractant tient le plus grand compte des recommandations faites par l'Office conformément au paragraphe 11 de l'Article 7 et rend compte à l'Office des mesures qu'il a prises à cet égard.

Dispositions diverses

10. Chaque Gouvernement contractant s'engage à coopérer avec l'Office dans l'exercice des fonctions qui lui sont dévolues par les paragraphes 14 et 16 de l'Article 7.

11. Every member Government shall use its best endeavours in its relations with any other international organisations, agencies or authorities to give effect to the provisions of this Agreement.

12. Every member Government shall give the fullest consideration to any recommendations made by the Organisation in accordance with paragraphs 12, 15 and 18 of Article 7 and report to the Organisation on the action taken.

13. Every member Government shall recognise the international personality and legal capacity which the Organisation possesses.

14. Every member Government shall respect the exclusively international character of the members of the Executive Board, the Chief Officer and the staff of the Organisation.

15. Every member Government shall accord to the Organisation the privileges, immunities and facilities which they grant to each other, including in particular—

(a) immunity from every form of legal process;

(b) exemption from taxation and customs duties; and

(c) inviolability of premises occupied by, and of the archives and communications of the Organisation.

16. Every member Government shall accord diplomatic privileges and immunities to persons appointed by other members as their representatives in or to the Organisation, to the members of the Executive Board, and to the higher officials of the Organisation not being their own nationals.

17. Every member Government shall accord to all officials and employees of the Organisation—

(a) immunity from suit and legal process relating to acts performed by them in their official capacity;

11. Chaque Gouvernement contractant fait tous ses efforts dans ses relations avec tous autres organismes, administrations ou autorités internationales pour donner effet aux dispositions du présent accord.

12. Chaque Gouvernement contractant tient le plus grand compte de toutes recommandations faites par l'Office par application des paragraphes 12, 15 et 18 de l'Article 7 et rend compte à l'Office des mesures qu'il a prises à cet égard.

13. Chaque Gouvernement contractant reconnaît la personnalité internationale et la capacité légale de l'Office.

14. Chaque Gouvernement contractant respecte le caractère exclusivement international des membres du Comité Exécutif, du Directeur Général et du personnel de l'Office.

15. Chaque Gouvernement contractant accorde à l'Office les privilèges, immunités et facilités qu'il accorde à un autre Gouvernement, et en particulier:

(a) l'immunité judiciaire sous toutes ses formes;

(b) l'exonération fiscale et douanière;

(c) l'inviolabilité des locaux occupés par l'Office, ainsi que des archives et de la correspondance de l'Office.

16. Chaque Gouvernement contractant accorde les privilèges et immunités diplomatiques aux personnes nommées par d'autres Gouvernements contractants comme leurs représentants dans l'Office ou auprès de celui-ci, aux membres du Comité Exécutif et au haut personnel de l'Office, à l'exception de ses propres ressortissants.

17. Chaque Gouvernement contractant accorde à tous les fonctionnaires et employés de l'Office:

(a) l'immunité judiciaire en ce qui concerne les actes accomplis par eux dans l'exercice de leurs fonctions officielles;

(b) all such facilities for their movement, and for the execution of their functions, as are deemed necessary by the Organisation for the speedy and effective fulfilment of their official duties; and

(c) except in the case of their own nationals, exemption from taxation of their official salaries and emoluments.

18. Every member Government shall in territory under its authority take all steps in its power to facilitate the exercise by the Organisation of any of the powers referred to in Article 4.

ARTICLE 9

The Organisation shall be related to any general international organisation to which may be entrusted the co-ordination of the activities of international organisations with specialised responsibilities.

ARTICLE 10

1. The functions of the Organisation shall relate to all forms of transport by road, rail or waterway, within the territories of the Continent of Europe in which the Organisation operates, but not to sea-going shipping, except that the provisions of paragraph 10 of Article 7 and paragraph 5 of Article 8 shall apply in respect of such shipping when employed in Continental Europe on inland waterways.

2. In regard to the handling of traffic in ports where sea-going vessels are discharged or loaded, the Organisation shall co-operate with the appropriate authorities of the member Government concerned and any shipping organisation set up by them to ensure—

- (i) the rapid turn-round of ships;
- (ii) the efficient use of port facilities in the best interests of the

(b) telles facilités, quant à leurs déplacements ou à l'exécution de leurs fonctions, que l'Office estimerait nécessaires en vue de leur permettre de remplir rapidement et efficacement leurs missions officielles;

(c) sauf en ce qui concerne ses propre ressortissants, l'exonération fiscale quant à leurs traitements et indemnités officiels.

18. Chaque Gouvernement contractant prend, sur les territoires relevant de son autorité, toutes mesures en son pouvoir pour faciliter l'exercice par l'Office de tous les droits énumérés à l'Article 4.

ARTICLE 9

L'Office sera affilié à toute organisation internationale générale qui viendrait à être chargée de co-ordonner les activités des organisations internationales à compétence spécialisée.

ARTICLE 10

1. Les attributions de l'Office s'étendent à toutes les formes de transport, par route, rail ou voie navigable à l'intérieur des territoires du Continent européen sur lesquels il exerce son activité. Elles ne s'étendent pas aux navires de mer; toutefois les dispositions du paragraphe 10 de l'Article 7 et du paragraphe 5 de l'Article 8 sont applicables à ces navires lorsqu'ils sont employés en Europe Continentale sur des voies de navigation intérieure.

2. En ce qui concerne le trafic dans les ports où des navires de mer sont chargés ou déchargés l'Office coopère avec les administrations compétentes des Gouvernements contractants, et avec toutes organisations établies par ces Gouvernements pour la marine marchande, afin d'assurer:

- (i) un rotation rapide des navires,
- (ii) l'emploi rationnel des installations portuaires dans l'intérêt bien

prompt clearance of cargo of common concern.

ARTICLE 11

In the event of there being any direct inconsistency between the provisions of this Agreement and the provisions of any agreement already existing between any of the member Governments, the provisions of this Agreement shall, as between such member Governments, be deemed to prevail, due respect being had to the provisions of paragraph 17 of Article 7, provided, however, that nothing in this Article shall be construed to prevent member Governments from entering into agreements to facilitate the working of traffic across national frontiers.

ARTICLE 12.—*Definitions*

1. For the purpose of this Agreement and its Annex,¹ the definitions given in this Article have been adopted.

2. The term "inland transport" shall include all forms of transport as referred to in Article 10 of this Agreement.

3. The term "Continental Europe" shall mean all territories in Europe under the authority or control of member Governments, but shall not extend to territory of the United Kingdom or of the Union of Soviet Socialist Republics.

4. The term "territory under the authority of a member Government" shall be construed to mean territory in Continental Europe either under the sovereignty of a member Government or territory over which a member Government or member Governments is or are exercising authority or control.

5. The term "transport equipment and material" shall include, so

compris d'une rapide réexpédition des cargaisons d'intérêt commun.

ARTICLE 11

Au cas où une disposition du présent accord serait en contradiction formelle avec les dispositions d'une convention en vigueur entre les Gouvernements contractants ou certains d'entre eux, les dispositions du présent accord prévaudront dans les rapports entre Gouvernements contractants, compte tenu des dispositions du paragraphe 17 de l'Article 7.

Toutefois, aucune disposition du présent article ne pourra être opposée à des Gouvernements contractants pour faire obstacle à la conclusion d'accords destinés à faciliter le passage du trafic aux frontières nationales.

ARTICLE 12.—*Définitions*

1. Pour l'application du présent accord et de son annexe,¹ les termes énumérés dans le présent article seront entendus dans le sens indiqué ci-après.

2. Les mots "transports intérieurs" s'entendent de tous les moyens de transport énumérés à l'Article 10 du présent accord.

3. Les mots "Europe Continentale" s'entendent de tous les territoires d'Europe placés sous l'autorité ou le contrôle des Gouvernements contractants, mais ne s'appliquent pas aux territoires du Royaume Uni et de l'Union des Républiques Socialistes Socialistes.

4. Les mots "territoires sous l'autorité d'un Gouvernement contractant" s'entendent des territoires d'Europe Continentale placés sous la souveraineté d'un Gouvernement contractant, ou sur lesquels un ou plusieurs Gouvernements contractants exercent leur autorité ou leur contrôle.

5. Les mots "matériel de transport" comprennent, dans la mesure

¹ See No. 662a, *post.*—Ed.

far as the Executive Board deems it necessary for the execution of the functions of the Organisation :

(i) any items of fixed and mobile equipment, stores (other than fuel), plant and spares and accessories of all kinds specifically intended and required for use of transport undertakings, including equipment required for use in ports, whether ashore or afloat;

(ii) equipment and material specifically intended and required for the rehabilitation, maintenance or construction of roads, railways, bridges, ports and inland waterways;

(iii) major plant and tools specifically required for the repair of transport equipment and material for use by transport authorities.

6. The term "traffic of common concern" shall include—

(i) personnel, stores, supplies or other traffic to be moved in accordance with the requirements of the Allied Commanders-in-Chief;

(ii) displaced and other persons to be moved in accordance with the priorities determined by the appropriate United Nations authorities;

(iii) supplies for civil needs to be moved in Continental Europe in accordance with the priorities determined by the appropriate United Nations authorities;

(iv) property removed by the enemy.

7. The term "transport charges" shall include, in addition to freight or conveyance charges, any other incidental charges, such as tolls, port charges, charges for warehousing and handling goods in transit which may affect the cost of transport.

8. The term "admissible transit charges" means dues intended solely to defray expenses of supervision and

où le Comité Exécutif le jugera nécessaire à l'accomplissement des tâches de l'Office:

(i) Tous articles d'équipement fixe ou mobile, les approvisionnements (autres que le combustible), l'outillage, les pièces détachées et accessoires de toute espèce nécessaires et destinés à l'usage des entreprises de transport, y compris l'outillage nécessaire flottant ou fixe pour usage dans les ports.

(ii) L'équipement et le matériel spécialement destinés et nécessaires au rétablissement, à l'entretien ou à la construction de routes, voies ferrées, ponts, ports et voies navigables intérieures.

(iii) Les grands ateliers et outillages spécialement nécessaires à la réparation du matériel de transport à l'usage des Autorités de transport.

6. Les mots "trafic d'intérêt commun" comprennent les transports suivants:

(i) personnes, approvisionnements, ravitaillement, et toutes autres matières dont le transport doit s'exécuter en fonction des besoins des Commandants en Chef Alliés;

(ii) personnes à rapatrier et toutes autres personnes à transporter conformément aux priorités établies par les Autorités compétentes des Nations Unies;

(iii) fournitures pour les besoins civils qui doivent être transportées en Europe Continentale, conformément aux priorités fixées par les Autorités compétentes des Nations Unies:

(iv) biens emportés par l'ennemi.

7. Les mots "tarifs de transport" comprendront, outre le prix du fret ou des expéditions proprement dites, tous autres frais supplémentaires, tels que redevances, frais de ports, frais de magasinage et de manutention de marchandises en transit qui peuvent affecter le prix du transport.

8. Les mots "frais de transit normaux" visent les droits ayant uniquement pour objet de couvrir

administration entailed by the transit traffic concerned.

9. The term "Allied Commander-in-Chief" shall mean any Commander-in-Chief designated for commands on the Continent of Europe by the appropriate authorities of any of the following:

The French Republic

The Union of Soviet Socialist Republics

The United Kingdom of Great Britain and Northern Ireland

The United States of America.

10. The term "Government" includes any Provisional Government.

ARTICLE 13

Until the expiry of the period of two years from this day's date, the provisions of this Agreement may be amended, suspended or terminated only by a unanimous vote of the Council. At any time after that date any provision of this Agreement may be amended, suspended or terminated by a two-thirds majority of the Council, provided that no alteration shall be made in the provisions of this Agreement so as to extend the obligations or financial liability of any member Government without that Government's consent.

ARTICLE 14

1. This Agreement shall come into force for each member Government on the date of signature on its behalf or of its admission to the Organisation under Article 2.

2. It shall remain in force for two years from this day's date. It shall thereafter remain in force, subject to the right of any member Government, after the expiry of eighteen months from this day's date, to give six months' notice in writing to the

les dépenses de contrôle et d'administration entraînées par ce transit.

9. Les mots "Commandant en Chef Allié" visent tout Commandant en Chef Allié investi d'un Commandement par les Autorités compétentes de l'un quelconque des Gouvernements suivants:

Etats-Unis d'Amérique,

République Française,

Royaume-Uni de Grande-Bretagne et d'Irlande du Nord,

Union des Républiques Socialistes Socialistes.

10. Le terme "Gouvernement" s'entend de tout "Gouvernement Provisoire".

ARTICLE 13

Jusqu'à l'expiration d'une période de deux ans à compter de la date de ce jour, un vote unanime du Conseil est nécessaire pour amender, suspendre ou abroger les clauses du présent accord. Passé ce délai, toute clause du présent accord pourra être amendée, suspendue ou abrogée à tout moment par un vote du Conseil pris à la majorité des deux tiers, à condition qu'aucune modification ne soit effectuée dans ladite clause de manière à augmenter les obligations ou les engagements financiers d'un Gouvernement contractant sans le consentement de celui-ci.

ARTICLE 14

1. Le présent accord entrera en vigueur, en ce qui concerne chacun des Gouvernements contractants, à la date de sa signature par les représentants de ce Gouvernement, ou, le cas échéant, à la date de l'admission dudit Gouvernement à l'Office dans les conditions prévues par l'Article 2.

2. Il restera en vigueur pendant deux années à compter de la date de ce jour. Il demeurera en vigueur par la suite, sous réserve du droit pour tout Gouvernement contractant de notifier par écrit au Conseil, après l'expiration d'un délai de dix-

Council of its intention to withdraw from this Agreement.

IN WITNESS WHEREOF the undersigned, duly authorised by their respective Governments, have signed the present Agreement.

Done in London on the 27th day of September, 1945, in English, French and Russian, all three texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, by whom certified copies shall be transmitted to all Signatory Governments.

huit mois à compter de la date de ce jour, son intention de le dénoncer; l'accord sera tenu pour caduc à l'égard de ce Gouvernement six mois après une telle notification.

EN FOI DE QUOI, les soussignés, dûment autorisés par leurs Gouvernements respectifs, ont signé le présent accord.

Fait à Londres, le 27 septembre 1945, en un seul exemplaire, en langues française, anglaise et russe, dont les trois textes font également foi. Cet exemplaire sera déposé, pour y être conservé, dans les archives du Gouvernement du Royaume-Uni de Grande Bretagne et d'Irlande du Nord, qui en remettra à tous les Gouvernements signataires des copies certifiées conformes.

[Signed:] For the Government of the **United States of America**: JOHN G. WINANT; for the Government of **Belgium**: OBERT DE THIEUSIES; for the Government of **Czechoslovakia**: BARÁČEK-JACQUIER; for the Provisional Government of the **French Republic**: R. MASSIGLI; for the Government of the **United Kingdom of Great Britain and Northern Ireland**: PHILIP NOEL-BAKER; for the **Royal Hellenic Government**: TH. AGHNIDES; for the Government of the **Grand Duchy of Luxembourg**: A. ALS; for the Government of the **Netherlands**: C. C. GISCHLER; for the Government of **Norway**: ERIK COLBAN, Subject to approval by the Storting; for the Government of the **Polish Republic**: HENRYK STRASBURGER; for the Government of the **Union of Soviet Socialist Republics**: F. S. BADULIN; for the **Yugoslav Government**: Dr. LJUBO LEONTIĆ; for the **Royal Danish Government**: E. REVENTLOW.

No. 662a

Protocol relating to Traffic on Inland Waterways. Signed at London, September 27, 1945.

Protocole relatif au trafic de la navigation intérieure. Signé à Londres, 27 septembre 1945.

Entered into force September 27, 1945.¹

Text from *U.S. Executive Agreement Series*, No. 494, pp. 16, 34.

PREAMBLE

With a view to fulfilling, in respect of traffic on inland waterways, the

PRÉAMBULE

En vue de remplir, en ce qui concerne le trafic de la navigation in-

¹ Filed with the Secretariat of the United Nations, under No. 35, June 23, 1947.

obligations assumed by the member Governments under the Agreement concerning the establishment of an European Central Inland Transport Organisation (hereinafter referred to as the Agreement), and subject to the conditions set out therein, the Governments signatory hereto have agreed as follows:

Article 1. Every Government signatory hereto undertakes to establish appropriate machinery necessary for the application of all the obligations assumed in paragraphs 5 and 6 of Article 8 of the Agreement to traffic on Inland Waterways and to appoint persons or organisations entitled to treat with the Organisation on questions of this nature.

Art. 2. The Governments signatory hereto, taking into account the geographical, technical and other peculiarities connected with traffic on inland waterways and the needs of each of them in these respects, will nominate experts to be consulted by the Organisation on questions of traffic on inland waterways within the various areas of such traffic.

Art. 3. For each waterways traffic area in Continental Europe, the allocation of inland shipping and, if necessary, shipping space for carrying traffic of common concern in accordance with approved programmes will be determined from time to time by the Organisation in agreement with the Governments concerned. In determining this allocation, due account shall be taken of the particulars of the vessel, its equipment and crew and of its normal traffic.

Art. 4. The terms of remuneration to be paid by the users of inland vessels for traffic of common concern shall be worked out by the Organisa-

tionnaire, les obligations assumées en vertu de l'accord portant création d'un Office Central des Transports Intérieurs Européens (ci-après dénommé "l'accord principal") par les Gouvernements signataires dudit accord, et en conformité avec les dispositions de cet accord, les Gouvernements signataires du présent protocole sont convenus des dispositions suivantes:

Article 1. Chaque Gouvernement signataire de la présente annexe s'engage à mettre en oeuvre l'organisation nécessaire pour remplir les obligations prévues aux paragraphes 5 et 6 de l'Article 8 de l'Accord principal en ce qui concerne la navigation intérieure, et à désigner des personnes ou créer des organisations ayant qualité pour traiter avec l'Office les questions du même ordre.

Art. 2. Les Gouvernements signataires de la présente annexe, prenant en considération les conditions géographiques, techniques et autres ayant trait au trafic de la navigation intérieure, ainsi que les besoins de chacun d'entre eux dans ce domaine, désigneront des experts qui seront consultés par l'Office sur certaines questions de trafic de navigation intérieure à traiter dans les zones de ce trafic.

Art. 3. Pour chaque zone de navigation intérieure en Europe Continentale, l'allocation de tonnage de navigation intérieure, et, si nécessaire, de tonnage pour certains programmes approuvés de transport pour le trafic d'intérêt commun, sera déterminée de temps à autre par l'Office en accord avec les Gouvernements intéressés. En fixant cette allocation, compte sera tenu des particularités du bâtiment, de son outillage, de son personnel et de son exploitation normale.

Art. 4. Les taux de la rémunération qui sera allouée par les utilisateurs des bâtiments de navigation intérieure pour le trafic d'intérêt

tion in agreement with the Governments and/or the authorities concerned on a fair and reasonable basis in such a manner as to give effect to the following two principles:

(i) inland vessels of all flags performing the same services should receive the same freights;

(ii) freights with reference to paragraph 11 of Article 7 shall be calculated so as to include, after providing for depreciation of the ship, a reasonable margin of profit.

Art. 5.—1. This Protocol shall remain open for signature in London on behalf of any member Government of the European Central Inland Transport Organisation.

2. This Protocol shall come into force for each Government signatory thereto as from the date of signature on its behalf. Any Government when signing the present Protocol may declare that its signature shall not become effective until this Protocol has been signed by certain other specified Governments.

3. This Protocol shall remain in force for two years from this day's date. It shall thereafter remain in force subject to the right of any signatory Government, after the expiry of eighteen months from this day's date, to give six months' notice in writing to the Council of the European Central Inland Transport Organisation of its intention to withdraw from this Protocol.

IN WITNESS WHEREOF the undersigned, duly authorised by their respective Governments, have signed the present Protocol.

commun, seront calculés par l'Office en accord avec les Gouvernements aussi bien qu'avec les autorités intéressées, sur une base juste et raisonnable, de façon à donner effet aux deux principes suivants:

(a) Les bâtiments de navigation intérieure battant tous pavillons et utilisés d'une manière identique devront recevoir le même fret;

(b) Les frets mentionnés au paragraphe 11 de l'Article 7 seront calculés sur des bases qui permettront d'inclure une marge raisonnable de bénéfice, après avoir prévu une part d'amortissement du bâtiment.

Art. 5.—1. Le présent protocole demeurera ouvert, à Londres, à la signature des représentants de tout Gouvernement participant à l'Office Central des Transports Intérieurs Européens.

2. Le présent protocole entrera en vigueur, en ce qui concerne chacun des Gouvernements signataires, à la date de sa signature par les représentants de ce Gouvernement. En signant le présent protocole, le représentant de tout Gouvernement peut déclarer que sa signature ne prendra effet que lorsque le protocole aura été signé par les représentants de certains Gouvernements nommément désignés.

3. Le présent protocole restera en vigueur pendant deux années à compter de la date de ce jour. Il demeurera en vigueur par la suite, sous réserve du droit pour tout Gouvernement signataire de notifier par écrit au Conseil de l'Office Central des Transports Intérieurs Européens, après l'expiration d'un délai de 18 mois à compter de la date de ce jour, son intention de le dénoncer; le protocole sera tenu pour caduc à l'égard de ce Gouvernement six mois après une telle notification.

EN FOI DE QUOI, les soussignés, dûment autorisés par leurs Gouvernements respectifs, ont signé le présent protocole.

Done in London on the 27th day of September, 1945, in English, French and Russian, all three texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, by whom certified copies shall be transmitted to all signatory Governments.

Fait à Londres, le 27 Septembre 1945, en un seul exemplaire, en langues française, anglaise et russe, dont les trois textes font également foi. Cet exemplaire sera déposé, pour y être conservé dans les archives du Gouvernement du Royaume-Uni de Grande Bretagne et d'Irlande du Nord, qui en remettra à tous les Gouvernements signataires des copies certifiées conformes.

[Signed:] For the Government of the **United States of America**: JOHN G. WINANT; for the Government of **Belgium**: OBERT DE THIEUSIES; for the Government of the **United Kingdom of Great Britain and Northern Ireland**: PHILIP NOEL-BAKER; for the **Royal Hellenic Government**: TH. AGHNIDES; for the Government of the **Grand-Duchy of Luxembourg**: A. ALS; for the Government of the **Netherlands**: C. C. GISCHLER; for the Government of the **Polish Republic**: HENRYK STRASBURGER; for the Government of the **Union of Soviet Socialist Republics**: F. S. BADULIN; for the **Yugoslav Government**: DR. LJUBO LEONTIĆ; for the **Royal Danish Government**: E. REVENTLOW.

No. 663

INTER-AMERICAN Telecommunications Convention. Signed at Rio de Janeiro, September 27, 1945.

CONVENTION interaméricaine de télécommunications. Signée à Rio de Janeiro, 27 septembre 1945.

EDITOR'S NOTE. This Convention was designed to supersede the inter-American radio-communications convention signed at Habana, December 13, 1937 (No. 503, *ante*). For other inter-American radio agreements, see Nos. 116, 504, and 577, *ante*. In addition, several radio agreements have been concluded in recent years by the countries of North America (Nos. 214 and 505, *ante*), of Central America (No. 540, *ante*), of Tropical America (Nos. 574 and 575, *ante*), and of South America (Nos. 407, 486, and 576, *ante*). The conclusion of regional agreements of this nature is authorized by Article 13 of the Madrid telecommunication convention of 1932 (No. 316, *ante*), and by Article 41 of the international telecommunication convention, signed at Atlantic City, October 2, 1947 (*Br. Parl. Papers*, Cmd. 7466).

RATIFICATIONS. On January 1, 1949, no ratification of this Convention had been deposited.

BIBLIOGRAPHY. The text of this Convention is also published in 13 *Journal des télécommunications* (1946), pp. 105-13. For resolutions of the 1945 conference, see *idem*, pp. 140-44, 167-80.

Anon., "Troisième Conférence interaméricaine des radiocommunications de Rio de Janeiro," 12 *Journal des télécommunications* (1945), pp. 109-11; A. A. Berle, "La 3e Conférence interaméricaine des radiocommunications," *idem*, pp. 160-68; R. R. Burton and D. R. MacQuivey, "Postscripts on the Third Inter-American Radiocommunications Conference," 13 *U.S. Department of State Bulletin* (1945), pp. 735-37; F. C. de Wolf, "The Development

of Telecommunications in the Americas," 79 *Bulletin of the Pan American Union* (1945), pp. 686-90; H. B. Otterman, "Third Inter-American Radio Conference," 13 *U.S. Department of State Bulletin* (1945), pp. 292-94.

Not entered into force (January 1, 1949).

Text from Canada, *Treaty Series*, 1947, No. 29.

Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, United States of America, Uruguay, Venezuela.

There were also present representatives of the Bahamas and Newfoundland and an observer on behalf of the British Colonies in the Caribbean area.

The Governments named above, recognizing the benefits of cooperation and mutual understanding resulting from the exchange of views with respect to telecommunications, have designated the undersigned plenipotentiaries, meeting in the City of Rio de Janeiro, United States of Brazil, who by common consent and subject to ratification, have concluded the following Convention in conformity with the provisions of the International Telecommunications Convention of Madrid, 1932.

Argentine, Bolivie, Brésil, Canada, Chile, Colombie, Costa Rica, Cuba, République Dominicaine, Equateur, Etats-Unis d'Amérique, Guatemala, Haïti, Honduras, Mexique, Nicaragua, Panama, Paraguay, Pérou, Salvador, Uruguay, Vénézuëla.

Etaient aussi présents les Représentants des Bahamas et de Terre-Neuve et un Observateur pour les Colonies Britanniques dans les Antilles.

Les gouvernements ci-dessus mentionnés reconnaissant les avantages de la coopération et de l'entente mutuelle qui résultent de l'échange d'opinions relatives aux télécommunications, ont désigné les plénipotentiaires ci-dessous, réunis à Rio de Janeiro, Etats-Unis du Brésil, qui de commun accord, et sous réserve de ratification, ont célébré la convention suivante, d'accord avec les stipulations de la Convention Internationale de Télécommunications (Madrid, 1932).

CHAPTER I

ORGANIZATION AND FUNCTIONING OF THE INTER-AMERICAN TELECOMMUNICATIONS UNION

ARTICLE 1.—*Constitution of the Union*

The Governments of the American Region party to this Convention constitute the Inter-American Telecommunications Union.

ARTICLE 2.—*Definition of American Region for Telecommunications*

The American Region shall, for telecommunications purposes, be deemed to be bounded as follows:

CHAPITRE I

ORGANISATION ET FONCTIONNEMENT DE L'UNION INTERAMÉRICAINNE DE TÉLÉCOMMUNICATIONS

ARTICLE 1.—*Constitution de l'Union*

Les gouvernements de la région Américaine qui font partie de la présente Convention, constituent l'Union Interaméricaine de Télécommunications.

ARTICLE 2.—*Délimitation de la région américaine pour les télécommunications*

Pour les télécommunications, la région américaine sera considérée comme délimitée de la façon suivante:

1. From the North Pole on the meridian approximately 169° W. to 65° 30', N. latitude, coinciding with the international boundary in Behring Strait;

2. Thence by great circle in the southwesterly direction to a point located on 50° N. latitude, 165° E. longitude;

3. Thence by great circle in a southeasterly direction to a point located on 10° N. latitude, 120° W. longitude;

4. Thence directly south on the meridian 120° W. longitude to the South Pole;

5. Thence from the South Pole north on meridian 20° W. longitude to the intersection point of parallel 10° S. latitude;

6. Thence by great circle in a northwesterly direction to a point located on 40° N. latitude and meridian 50° W. longitude;

7. Thence by great circle in a northeasterly direction to a point located on 72° N. latitude, 10° W. longitude;

8. Thence directly north on the meridian 10° W. longitude to the North Pole.

ARTICLE 3.—*Regulations*

This Convention may be supplemented by regulations within its framework for the purpose of resolving by common understanding such administrative problems as may arise in the field of telecommunications in the American Region.

CHAPTER II

OFFICE OF INTER-AMERICAN TELECOMMUNICATIONS (O. I. T.)

ARTICLE 4.—*Organization*

The contracting Governments agree:

1. Du pôle Nord, environ par le 169° de longitude Ouest, jusqu'au 65° 30' de latitude Nord, c'est-à-dire la limite internationale du détroit de Behring.

2. De ce point, par la ligne de grand cercle, en direction Sud-Ouest jusqu'à un point situé sur le 50° de latitude Nord et le 165° de longitude Est.

3. De ce point, par une ligne de grand cercle en direction Sud-Est, jusqu'à un point situé sur le 10° de latitude Nord et le 120° de longitude Ouest.

4. De ce point, directement vers le Sud, sur le 120° de longitude Ouest, jusqu'au pôle Sud.

5. Du pôle Sud, en direction Nord sur le 20° longitude Ouest, jusqu'au point d'intersection avec le parallèle 10° de latitude Sud.

6. De ce point, par la ligne de grand cercle, en direction Nord-[Ouest] jusqu'à un point situé sur le 40° de latitude Nord et le 50° de longitude Ouest.

7. De ce point, par la ligne de grand cercle, en direction Nord-Est jusqu'au point situé sur le parallèle 72° de latitude Nord et le 10° de longitude Ouest.

8. De ce point, directement vers le Nord, par le méridien 10° de longitude Ouest, jusqu'au pôle Nord.

ARTICLE 3.—*Règlements*

La présente Convention pourra être complétée par des règlements, dans son rayon d'action, ayant pour objet de résoudre par accord mutuel, les problèmes administratifs qui surgiront en télécommunications dans la Région Américaine.

CHAPITRE II

OFFICE INTERAMÉRICAIN DE TÉLÉCOMMUNICATIONS (O. I. T.)

ARTICLE 4.—*Organisation*

Les gouvernements contractants décident:

1. To maintain an Office of Inter-American Telecommunications, (O. I. T.), as an Inter-American organization with functions as prescribed in Article 5.

2. To furnish without delay to the Office of Inter-American Telecommunications, (O. I. T.), copies of all provisions of telecommunications legislation and the regulations in force in their respective jurisdictions, and such amendments as may be introduced in these provisions; as well as appropriate statistical, technical and administrative reports relative thereto.

3. To transmit to the Office of Inter-American Telecommunications, (O. I. T.), every six months an official list of the frequencies assigned by them to all broadcasting stations and to notify monthly all changes and additions thereto. Such notifications shall be made in accordance with the procedure adopted in the General Radio Regulations in force and shall also include:

a) Power actually in use.

b) Maximum contemplated power.

c) Hours of transmission.

The required notifications referred to shall be made in all cases independently of the usual notifications sent to the International Telecommunications Union.

4. To inform the Office of Inter-American Telecommunications, (O. I. T.), of all proposed multilateral conferences and meetings for the exchange of views or the making of agreements on telecommunications subjects affecting the American region, and the results of such meetings.

ARTICLE 5.—*Functions and duties*

The Office of Inter-American Telecommunications, (O. I. T.) shall:

1. D'assurer le fonctionnement d'un Office Interaméricain de Télécommunications (O. I. T.) à titre d'organisme interaméricain ayant les fonctions prescrites à l'article 5.

2. De soumettre immédiatement à l'Office Interaméricain de Télécommunications (O. I. T.) des copies de toutes les dispositions législatives sur la télécommunication, les règlements en vigueur, dans leurs juridictions respectives, et les amendements apportés, ainsi que les informations appropriées, d'ordre statistique, technique et administratif sur la matière.

3. De soumettre à l'Office Interaméricain de Télécommunications (O. I. T.), tous les six mois, une liste officielle des fréquences assignées aux postes de Radiodiffusion, dans leurs pays respectifs, et de notifier mensuellement toutes les modifications et additions qui y furent introduites.

Lesdites listes et notifications devront être établies conformément aux dispositions du Règlement Général de Radiocommunications en vigueur, et devront comprendre en plus:

a) la puissance employée effectivement;

b) la puissance maximum désirée;

c) l'horaire des transmissions.

Ces notifications devront être faites dans tous les cas, indépendamment de celles qui sont envoyées d'habitude au Bureau de l'Union Internationale de Télécommunications.

4. De communiquer à l'Office Interaméricain de Télécommunications (O. I. T.) toutes les conférences et réunions multilatérales projetées pour l'échange de vues, ou pour célébration d'accords sur les sujets relatifs aux télécommunications affectant la région américaine, ainsi que les résultats desdites réunions.

ARTICLE 5.—*Attributions et obligations*

L'Office Interaméricain de Télécommunications (O. I. T.) a pour attributions et obligations:

1. Make recommendations to harmonize the use of radio frequencies in the different bands of the spectrum where interference can be foreseen between signals emitted in different countries, and to this end to organize the centralization and distribution of the necessary data.

2. Receive and circulate documents provided by the contracting governments including:

a) Technical material such as data relating to the accuracy and stability of frequencies, to interference or other disturbances observed in the territories of the contracting countries, and such other studies as may be carried on, such as studies on the propagation of waves and the general characteristics of antennas.

b) Treaties, laws, decrees, regulations, and other legislative and regulatory matters.

c) Statistical data pertinent to the subject matter of this Convention.

d) Such other pertinent material as may be provided by the contracting governments under Article 4 of this Convention.

3. Maintain a department specializing in general broadcasting matters, with the mission to contribute to the maximum development thereof, collect and distribute information, to facilitate the realization of the aims of Article 25 of this Convention, and to suggest to the contracting Governments measures necessary for the improvement and protection of broadcasting in the American Region.

4. Publish recommendations of technical standards looking to more efficient use of radio frequencies to the end that interference be reduced to a minimum.

5. Publish a quarterly telecommunications journal consisting of brief items of general interest involv-

1. De faire des recommandations pour harmoniser l'emploi des radiofréquences dans les bandes du spectre, quand des interférences sont prévues, entre les émissions de divers pays, et dans ce but de centraliser et de distribuer les informations nécessaires.

2. De recevoir et de distribuer les documents fournis par les gouvernements contractants, y compris:

a) Les informations techniques telles que: les données relatives à la précision et à la stabilité des fréquences; les interférences ou autres perturbations survenant sur le territoire des pays contractants; toutes autres études possibles sur la propagation des ondes, et les caractéristiques générales des antennes;

b) Les traités, lois, décrets, règlements, et autres mesures législatives et administratives;

c) Les données statistiques relatives aux sujets de cette Convention et;

d) Toutes autres informations relatives à cette matière provenant des gouvernements contractants conformément à l'article 4 de cette Convention.

3. D'assurer le fonctionnement d'un service spécialisé en radiodiffusion générale, ayant pour mission de contribuer à son développement, de recueillir et de diffuser les informations qui s'y rapportent de faciliter l'exécution des points fixés par l'article 25 de la présente Convention et de suggérer aux gouvernements contractants, les mesures nécessaires pour le développement et la protection de la radiodiffusion dans la région Américaine.

4. De publier les recommandations d'ordre technique, destinées à améliorer l'emploi des radiofréquences dans le but de réduire les interférences au minimum.

5. De publier une revue trimestrielle contenant de courtes informations d'intérêt général, relatives aux

ing changes in personnel, administrative reorganizations, enactment of laws and regulations, negotiation of treaties and other international agreements and other material of current interest in the telecommunications field as well as technical papers to be contributed by the Governments concerned or their representatives on problems affecting the advancement of the art.

6. Perform translating services in connection with the circulation of documents.

7. Circulate the agenda and all proposals for the Inter-American telecommunications conferences and all documents and publications resulting therefrom.

8. Advise and assist the organizing Government in the matter of providing the Secretariat for each Inter-American plenipotentiary and administrative conference.

9. At the request of the petitioning Governments (Article 10) arrange for limited administrative conferences including the provision of the Secretariat; and at the request of the organizing Government to assist in arrangement for multilateral, regional, and subregional conferences for the exchange of views or the making of agreements on telecommunications subjects. In any event the Office of Inter-American Telecommunications, (O. I. T.), shall furnish notices of any such meetings to all governments in the American Region and shall disseminate all reports of such meetings with the object of promoting Inter-American cooperation.

10. Serve as a medium for disseminating information regarding proceedings of Inter-American conferences in other related fields, as the agreements resulting therefrom affect telecommunications.

changements de personnel, aux réorganisations administratives, aux promulgations de lois et règlements, aux négociations de traités et aux conventions internationales, et aux autres actualités en télécommunications, ainsi que des articles techniques remis par les gouvernements intéressés ou leurs représentants sur les questions intéressant le progrès de cette matière.

6. De traduire les documents à distribuer.

7. De distribuer des copies des agendas, et de toutes les propositions pour les conférences interaméricaines de télécommunications et de toutes les demandes et publications en résultant.

8. D'aider le gouvernement organisateur et de collaborer avec lui pour organiser le Secrétariat général pour chacune des conférences plénipotentiaires et administratives interaméricaines.

9. A la demande des gouvernements qui le désireront, (article 10) de faire les préparatifs pour les conférences administratives limitées, y compris l'installation du Secrétariat Général. A la demande du gouvernement organisateur, de collaborer aux préparatifs pour les conférences multilatérales régionales et sous-régionales pour l'échange de vues et la célébration d'accords relatifs à la télécommunication.

Dans tous les cas, l'Office Inter-américain de Télécommunications (O. I. T.) notifiera les réunions aux gouvernements de la région américaine, et fera connaître toute information relative à ces réunions, dans le but d'intensifier la collaboration interaméricaine.

10. De servir de moyen de diffusion des informations relatives aux travaux des conférences interaméricaines dans d'autres branches connexes, en tant que les accords faits par lesdites conférences affectent les télécommunications.

11. Serve as depository of an authentic text of Inter-American multilateral agreements relating to telecommunications.

12. Submit an annual report of its work which shall be communicated to all contracting Governments.

13. Study and submit for the consideration of the plenipotentiary or administrative conferences recommendations and modifications of internal regulations for the Office of Inter-American Telecommunications, (O. I. T.), (Article 8).

14. Perform such other duties as may pertain to it or be assigned to it by the conferences.

ARTICLE 6.—Maintenance of the Office of Inter-American Telecommunications (O. I. T.)

§ 1.—1) The general expenses of the administration of the Office of Inter-American Telecommunications, (O. I. T.), will be defrayed by the Governments which are parties to this Convention in accordance with the provisions of paragraph 6 of this Article.

2) The Pan American Union shall have the general supervision over the administration and the finances of the Office of Inter-American Telecommunications, (O. I. T.), and of the budget authorized by the governments.

§ 2.—1) The aforementioned general expenses will be regulated by a budget previously adopted in each administrative or plenipotentiary conference and will be in effect until the following conference.

2) The Director of the Office of Inter-American Telecommunications, (O. I. T.), will prepare the budget proposal and will submit it, sufficiently in advance of the administrative or plenipotentiary conference, for the study of the respective gov-

11. De servir de dépositaire du texte authentique des accords multilatéraux interaméricains relatifs aux télécommunications.

12. De faire un rapport annuel de ses travaux et de le soumettre aux gouvernements contractants.

13. D'étudier et de soumettre à la considération des conférences plénipotentiaires et administratives, les recommandations et modifications au règlement interne de l'Office Interaméricain de Télécommunications (O. I. T.) (article 8).

14. De remplir toutes autres fonctions, dans ses attributions, ou celles qui lui seront assignées par les conférences.

ARTICLE 6.—Frais de fonctionnement et administration de l'Office Interaméricain de Télécommunications (O. I. T.)

§ 1.—1. Les frais généraux occasionnés par l'administration de l'Office Interaméricain de Télécommunications (O. I. T.), seront couverts par les gouvernements qui feront part de la présente Convention, conformément au paragraphe 6 du présent article.

2. L'Union Panaméricaine exercera le contrôle général de l'administration et des finances de l'Office Interaméricain de Télécommunications (O. I. T.) ainsi que du budget autorisé par les gouvernements.

§ 2.—1. Le budget auquel s'appliqueront les frais généraux d'administration de l'Office Interaméricain de Télécommunications (O. I. T.), sera préalablement approuvé par chaque conférence plénipotentiaire ou administrative et restera en vigueur jusqu'à la conférence suivante.

2. Dans un délai suffisant, avant la réunion d'une conférence plénipotentiaire ou administrative, le Directeur préparera un avant-projet du budget, de l'Office Interaméricain de Télécommunications (O. I. T.) qui sera remis par l'intermédiaire de

ernments through the Pan American Union. The Pan American Union shall accompany it with such comments as it may care to make and the conference shall take this proposal as a basis for the determination of the annual budget in question.

3) The Director shall present annually sufficiently in advance to the Pan American Union a statement of the modifications which he considers necessary in the budget for the following year, and which experience shall have shown to be desirable. The Pan American Union shall obtain the approval of the governments for these modifications.

§ 3. The Director may address the Pan American Union requesting funds which are necessary to cover expenses unforeseen in the budget, and the Pan American Union shall request the participating governments to pay their respective amounts in accordance with the quotas fixed in § 6 of this article.

§ 4. The expenses of the Office of Inter-American Telecommunications, (O. I. T.), caused by the work of the conferences will not be included in the expenses of the Office of Inter-American Telecommunications, (O. I. T.), referred to in §§ 2 and 3 above and must be borne by all governments participating in the conference in accordance with the quotas established in § 6 of this article.

§ 5. The accounts of the Office of Inter-American Telecommunications, (O. I. T.), shall be submitted annually by the Director to the Pan American Union for its audit, and will be submitted by the Union, with its comments, to the succeeding plenipotentiary or administrative telecommunications conference for approval.

§ 6.—1) In order to defray the expenses mentioned in the aforementioned §§ 2, 3 and 4, each of the American Governments agrees to contribute in proportion to a certain

l'Union Panaméricaine, pour étude, aux gouvernements respectifs. L'Union Panaméricaine ajoutera au budget les observations qu'elle jugera opportunes, et le tout servira de base à la conférence pour la détermination du budget.

3. Le Directeur présentera annuellement à l'Union Panaméricaine d'avance, et dans un délai suffisant, les modifications du budget conseillées par l'expérience et qu'il jugera nécessaires pour l'année suivante. L'Union Panaméricaine recevra des gouvernements participants, l'approbation correspondante.

§ 3. Le Directeur sollicitera de l'Union Panaméricaine la remise des fonds nécessaires pour couvrir les frais non-prévus dans le budget, et l'Union Panaméricaine demandera aux gouvernements participants, le paiement des sommes respectives, d'accord avec les cotes établies au § 6 de cet article.

§ 4. Les dépenses occasionnées à l'Office Interaméricain de Télécommunications (O. I. T.) par les travaux de conférences ne seront pas incluses dans les frais mentionnés dans les §§ 2 et 3 ci-dessus, et seront couvertes par les gouvernements participants d'accord avec les cotes établies selon le § 6 du présent article.

§ 5. Les balances et états financiers de l'Office Interaméricain de Télécommunications (O. I. T.) seront remis pour vérification, chaque année, par le Directeur, à l'Union Panaméricaine, qui les soumettra avec leur commentaire respectif, à l'approbation de la prochaine conférence plénipotentiaire ou administrative.

§ 6.—1. Afin de subvenir aux frais prévus par les §§ 2, 3 et 4 ci-dessus, les gouvernements de la région américaine conviennent de les payer proportionnellement selon le

number of units corresponding to the category which it accepts as provided herein.

2) For this purpose six categories are established with the units assigned to each as shown below:

<i>Categories</i>	I	II	III	IV	V	VI
<i>Units</i>	25	20	15	10	5	3

3) Any Government may change the category selected by it, in which case the change will become effective in the fiscal year following that in which notification to the Director is given.

§ 7.—1) The contracting Governments shall pay their quotas to the Office half yearly in advance.

2) If any country is in arrears of payment, the Pan American Union, upon notification by the Director of the Office of Inter-American Telecommunications, (O. I. T.), will call upon it for payment of the quota which it owes.

§ 8. The Director shall furnish bond to the Pan American Union to the satisfaction of the conference, covering his responsibility for the collection and disbursement of the fund of the Office.

§ 9. In all cases where communications with the governments are specified to be through the agency of the Pan American Union it will be understood that, with respect to states or colonies which are not members of that Union, the Director of the Office of Inter-American Telecommunications, (O. I. T.), may communicate with those governments directly.

ARTICLE 7.—*Seat and personnel of the Office of Inter-American Telecommunications (O. I. T.)*

§ 1. The seat of the Office of Inter-American Telecommunications, (O. I. T.), shall be established at Havana, Cuba.

nombre d'unités correspondant à la catégorie qu'ils auront choisie pour leur classification.

2. Dans ce but, sont établies six catégories auxquelles sont attribuées les unités suivantes:

<i>Categories:</i>	I	II	III	IV	V	VI
<i>Unités:</i>	25	20	15	10	5	3

3. Chaque gouvernement contractant pourra changer la catégorie où il sera placé; cependant ce changement ne deviendra effectif, qu'au cours de l'année fiscale suivante à celle de la notification de cette mesure au Directeur de l'Office Interaméricain de Télécommunications (O. I. T.).

§ 7.—1) Les gouvernements contractants paieront à l'avance leurs cotes semestriellement.

2. Si un pays est en retard dans le paiement de ses obligations, l'Union Panaméricaine, sur la demande du Directeur de l'Office Interaméricain de Télécommunications (O. I. T.) se chargera du paiement de la somme due.

§ 8. Le Directeur versera une caution en faveur de l'Union Panaméricaine et au gré de la Conférence, comme garantie de sa gestion dans l'administration de l'Office Interaméricain de Télécommunications (O. I. T.).

§ 9. Quand il sera spécifié que les communications entre les gouvernements contractants devront se faire par l'intermédiaire de l'Union Panaméricaine, il est sous-entendu que lorsqu'il s'agira d'Etats ou colonies qui ne font pas partie de celle-ci, le Directeur de l'Office Interaméricain de Télécommunications (O. I. T.) pourra communiquer directement avec eux.

ARTICLE 7.—*Siège et personnel de l'Office Interaméricain de Télécommunications (O. I. T.)*

§ 1. L'Office Interaméricain de Télécommunications (O. I. T.) aura pour siège la ville de La Havane (République de Cuba).

§ 2.—1) The Director of the Office of Inter-American Telecommunications, (O. I. T.), shall be chosen by each Inter-American Telecommunications Conference from panels of candidates prepared in the Conference.

2) In the event of a vacancy in the Office of Director, the Pan American Union shall select a successor from a list of candidates, prepared from panels of the preceding plenipotentiary or administrative conference.

3) In the case of temporary absence of the Director the highest ranking officer of the Office of Inter-American Telecommunications, (O. I. T.), shall be in charge as Acting Director.

§ 3. The administrative and technical assistants of the Office of Inter-American Telecommunications, (O. I. T.), shall be chosen by the Director from panels of candidates prepared in the conferences.

§ 4. All other personnel necessary for the maintenance of the Office of Inter-American Telecommunications, (O. I. T.), shall be selected by the Director.

§ 5. In the selection of all personnel of the Office of Inter-American Telecommunications, (O. I. T.), an effort will be made to include so far as possible nationals of all the countries whose governments are party to this Convention.

§ 6.—1) All candidates for Director and for positions as administrative or technical assistants must be qualified because of their technical knowledge and practical experience in telecommunications.

2) All officers and employees of the Office of Inter-American Telecommunications, (O. I. T.), will exercise their functions, not as repre-

§ 2.—1. Le Directeur de l'Office Interaméricain de Télécommunications (O. I. T.) sera élu par chaque Conférence Interaméricaine de Télécommunications, et choisi entre les candidats figurant sur la liste préparée par la Conférence.

2. Si la charge de Directeur devient vacante, pour une raison quelconque, l'Union Panaméricaine désignera un successeur qui sera choisi parmi les candidats mentionnés dans la liste préparée par la dernière conférence plenipotentielle ou administrative.

3. En cas d'absence temporaire du Directeur, ses fonctions seront assumées par intérim par le fonctionnaire qui le suit immédiatement dans l'ordre hiérarchique de l'Office Interaméricain de Télécommunications (O. I. T.).

§ 3. Les fonctionnaires techniques et administratifs seront désignés par le Directeur de l'Office Interaméricain de Télécommunications (O. I. T.) et choisis parmi les candidats figurant sur la liste préparée à cet effet dans les conférences.

§ 4. Le reste du personnel nécessaire au fonctionnement du service de l'Office Interaméricain de Télécommunications (O. I. T.) sera désigné par le Directeur.

§ 5. Dans le choix du personnel de l'Office Interaméricain de Télécommunications (O. I. T.), seront inclus, autant que possible, des fonctionnaires de toutes les nationalités participant à la présente Convention.

§ 6.—1. Les candidats proposés comme directeurs, ou pour toutes places techniques, et administratives, seront désignés en tenant compte de leurs connaissances techniques, et de leur expérience pratique en matière de télécommunications.

2. Tous les fonctionnaires et employés de l'Office Interaméricain de Télécommunications (O. I. T.) exerceront leurs charges, non comme des

sentatives of their respective governments, but as custodians of an international public trust.

ARTICLE 8.—*Internal Regulations for the Office of Inter-American Telecommunications (O. I. T.)*

§ 1. The administration of the Office of Inter-American Telecommunications, (O. I. T.), shall be governed by its internal regulations. These regulations shall be adopted at the first plenipotentiary or administrative conference to be held.

§ 2. It shall be the duty of the Director of the Office of Inter-American Telecommunications, (O. I. T.), to prepare a preliminary draft of internal regulations. The internal regulations of the Office of Inter-American Telecommunications, (O. I. T.), may be revised by any plenipotentiary or administrative conference.

CHAPTER III
CONFERENCES

ARTICLE 9.—*Inter-American Telecommunications Conferences*

The contracting Governments agree to meet periodically in plenipotentiary or in administrative conferences for the purpose of resolving by common understanding such problems as may arise in the field of telecommunications in the American Region.

ARTICLE 10.—*Plenipotentiary and administrative conferences*

§ 1. Plenipotentiary Conferences.

1) This Convention shall be subject to revision only by conferences of plenipotentiaries.

2) Such conferences shall be called if a majority of the Governments, party to the Convention, shall consider it necessary, and so request.

§ 2. Administrative Conferences.

représentants de leurs gouvernements respectifs, mais comme des fidéicommiss du patrimoine international.

ARTICLE 8.—*Règlement interne de l'Office Interaméricain de Télécommunications (O. I. T.)*

§ 1. Les activités de l'Office Interaméricain de Télécommunications (O. I. T.) seront régies par un Règlement interne. Ce règlement sera promulgué par la première Conférence plenipotentielle ou administrative qui aura lieu.

§ 2. Il appartient au Directeur de l'Office Interaméricain de Télécommunications (O. I. T.) de préparer l'avant-projet du Règlement interne. Le Règlement interne de l'Office Interaméricain de Télécommunications pourra être modifié par une Conférence plenipotentielle ou administrative quelconque.

CHAPITRE III
CONFÉRENCES

ARTICLE 9.—*Conférences interaméricaines sur les télécommunications*

Les gouvernements contractants décident de se réunir périodiquement en conférences de plenipotentiaires ou en conférences administratives, pour résoudre de commun accord les problèmes de télécommunications dans la région américaine.

ARTICLE 10.—*Conférences de plenipotentiaires et administratives*

§ 1. Conférences de plenipotentiaires:

1. La présente Convention ne pourra être modifiée que par des conférences de plenipotentiaires.

2. Les conférences seront convoquées à la demande de la majorité des pays faisant partie de cette Convention.

§ 2. Conférences administratives:

1) Administrative conferences to adopt and revise regulations on technical and administrative matters implementing this Convention shall be held at intervals not greater than three years. The country, and the approximate date on which each conference is to meet, shall be fixed by the preceding conference.

The date scheduled for a meeting may be advanced or postponed by the organizing Government at the request of five or more governments party to this Convention.

The regulations adopted by administrative conferences shall become effective in each country upon approval by competent authority.

2) However, at the request of five or more governments party to the Convention, where urgent matters are to be considered, an administrative conference with limited agenda, to revise any portion of the regulations, may be called on less than six months' notice; in which case the proposed agenda shall accompany the invitation for the conference. Any such limited administrative conferences held between periodic conferences shall be convened at the seat of the Office of Inter-American Telecommunications, (O. I. T.), and under its aegis. The provisions of (1) c) of this section¹ shall also apply to the present paragraph.

§ 3. Place and date. The Government of the country in which a plenipotentiary or administrative conference is scheduled to be held, herein referred to as the Organizing Government, shall fix the precise place and date of the meeting and shall send out the invitations for attendance through the customary diplomatic channels, at least six months in advance.

1.—a) Les conférences administratives ayant pour but d'adopter et de reviser des règlements sur des sujets techniques et administratifs se rapportant à la présente Convention, seront réalisées à intervalles maxima de trois ans. Le pays et la date approximative de réalisation de chaque Conférence seront fixés par la Conférence précédente.

b) La date fixée pour une réunion pourra être avancée ou retardée par le Gouvernement Organisateur, sur la demande de cinq ou plus des gouvernements participant à cette Convention;

c) Les règlements adoptés par les conférences administratives entreront en vigueur dans chaque pays dès leur approbation par l'autorité compétente.

2. Cependant, sur la demande de cinq ou plus des gouvernements participant à cette Convention, et quand il y a des questions urgentes à résoudre, pourront être convoquées, avec avis préalable de 6 mois minimum, des Conférences administratives de caractère limité à la révision d'une partie quelconque des règlements. Dans ces cas, l'agenda proposé devra accompagner l'invitation. Ces conférences administratives limitées qui seront convoquées entre les conférences périodiques se réuniront au siège de la sous-direction de l'Office Interaméricain de Télécommunications (O. I. T.). Dans ces cas, sera appliquée la disposition de l'item (1) c) du présent paragraphe.

§ 3. Lieu et date des Conférences: Le Gouvernement du pays où devra se réunir une Conférence de Plénipotentiaires ou administrative, dénommé Gouvernement Organisateur, fixera le lieu et la date exacte de la réunion, et enverra les invitations correspondantes par voie diplomatique, au moins six mois à l'avance.

¹ Cf. French text, §2, 1 (c) of this article.—ED.

ARTICLE 11.—*Composition of the Conferences*

§ 1. The Conferences shall be composed, as provided in the Internal Regulations of the Inter-American Telecommunications Conferences (Annex to this Convention), of the delegates of all governments of the American Region which desire to participate.

§ 2. Representatives of institutions and organizations associated with telecommunications, of enterprises or groups of enterprises and bodies or persons engaged in the operation of telecommunications services may also attend, as observers, provided they are authorized by their respective governments.

ARTICLE 12.—*Voting at Conferences*

§ 1. Only one vote shall be had in the Conferences by each state that meets the following qualifications:

- a) A permanent population;
- b) A defined territory;
- c) Self-government;
- d) Capacity to enter into relations with the other States.

§ 2. The States, colonies or territories not possessing these qualifications may have voice, but no vote, in the Conferences, but agreements resulting from the Conferences shall be open for their adherence through the medium of their respective home governments.

ARTICLE 13.—*Languages*

The authorized languages of the discussions and documents of the conferences shall be those requested by the delegations present having the right to vote. The official languages of the authentic text of the final documents shall be English, French, Portuguese and Spanish.

ARTICLE 14.—*Internal regulations for Conferences*

The procedure at conferences shall be governed by the internal regula-

ARTICLE 11.—*Composition des Conférences*

§ 1. Les conférences seront constituées selon le Règlement interne des Conférences Interaméricaines de Télécommunications (Annexe de cette Convention), par les délégués de tous les gouvernements de la région américaine qui désirent y participer.

§ 2. Pourront assister en qualité d'observateurs, des représentants d'institutions et d'organismes intéressés aux télécommunications, d'entreprises ou groupements d'entreprises, et d'entités ou personnes qui exploitent les services de télécommunication, toutes les fois où ils y seront autorisés par leurs gouvernements respectifs.

ARTICLE 12.—*Vote aux Conférences*

§ 1. Seul aura le droit de voter, aux Conférences, l'Etat qui réunira les conditions suivantes:

- a) Population permanente;
- b) Territoire déterminé;
- c) Gouvernement propre;
- d) Capacité pour établir des relations avec d'autres Etats.

§ 2. Les Etats, colonies ou territoires ne réunissant pas ces conditions, pourront se faire entendre, mais non voter aux Conférences; cependant, ils pourront adhérer aux accords résultants des Conférences, par l'intermédiaire de leurs Gouvernements métropolitains respectifs.

ARTICLE 13.—*Languages*

Les langues autorisées pour les délibérations et pour les documents des Conférences seront fixées par les Délégations présentes ayant droit au vote. Les langues officielles du texte authentique des documents définitifs seront: l'espagnol, le français, l'anglais et le portugais.

ARTICLE 14.—*Règlement interne des Conférences*

Les Conférences obéiront à leur Règlement interne (Annexe).

tions (Annex). Any conference may adopt such supplemental procedure or modifications of procedure as are necessary for the conduct of its own business.

CHAPTER IV

GENERAL PROVISIONS

ARTICLE 15.—*General principles for the use of frequencies*

§ 1. The contracting Governments recognize the sovereign right of all nations to the use of any radio frequency. Upon the sole condition that no interference will be caused to the services of another country, they may assign any frequency and any type of emission to any radio station under their respective jurisdictions.

§ 2. The Governments recognize that, until technical development reaches a stage that permits the elimination of radio interference of an international character, regional or subregional agreements which, in order to satisfy essential radio needs, take into account the peculiar conditions in the countries party to such arrangements, are essential in order to promote standardization and to minimize such interference.

§ 3. The contracting Governments agree to assign frequencies to stations, which by their very nature are capable of causing interference with the services of another contracting country, in conformity with the rules for the allocation and use of frequencies as established in the international telecommunications agreements in force to which their respective Governments are party, as supplemented by this Convention and the regulations for its execution.

ARTICLE 16.—*Special agreements*

The contracting Governments reserve for themselves the right to make special, bilateral or multilat-

Toute Conférence pourra le modifier et adopter les règlements supplémentaires nécessaires à la réalisation de ses travaux.

CHAPITRE IV

DISPOSITIONS D'ORDRE GÉNÉRAL

ARTICLE 15.—*Principes généraux pour l'utilisation des radiofréquences*

§ 1. Les gouvernements contractants reconnaissent le droit souverain de tous les Etats d'employer toutes sortes de radiofréquences. Lesdits gouvernements peuvent assigner toutes sortes de fréquences et types d'émission à tout poste radioélectrique placé sous sa juridiction respective, à condition, toutefois, de ne pas causer d'interférence aux services d'un autre pays.

§ 2. Avant que les progrès techniques ne permettent de supprimer les interférences de caractère international, les gouvernements contractants reconnaissent que les accords régionaux et sous-régionaux répondant aux besoins basiques, dans les conditions particulières de chaque pays, sont essentiels pour arriver à la standardisation et réduire au minimum les interférences.

§ 3. Quand les caractéristiques d'un poste radioélectrique pourront causer des interférences dans les services d'un autre pays contractant, les gouvernements lui attribueront une fréquence, conformément aux accords internationaux de télécommunications en vigueur sur la distribution et l'utilisation de fréquences auxquels auront adhéré lesdits gouvernements, et complétés par la présente Convention et ses règlements.

ARTICLE 16.—*Accords spéciaux*

Les gouvernements contractants se réservent le droit de faire des accords spéciaux ou multilatéraux, ré-

eral agreements, of regional or sub-regional character, to solve those problems which do not concern all the Governments. These agreements however shall not be in conflict with the provisions of this Convention or the Regulations in execution thereof.

ARTICLE 17.—*Telecommunication as a public service*

The contracting Governments agree to recognize that the public has the right to use the public telecommunications services. The service, rates and guarantees shall be equal for all users in each category of telecommunications, without any priority or preference whatsoever.

CHAPTER V

RATES

ARTICLE 18.—*General principles regarding rates*

Rates for international telecommunications services shall be fair, reasonable and equitable, and shall correspond to the services actually rendered. The same principles shall be applied on terminal service charges or transit service charges or any other component entering into the determination of such rates, without prejudice to the uniform terminal charge which government administrations establish for all international telegrams as a contribution toward the upkeep of the telegraph services which the said administrations furnish, whether or not they intervene in the handling of the international telegraph service.

ARTICLE 19.—*Equality of treatment in rates*

The contracting Governments agree to assure equality of treatment in the establishment or approval of rates for all legally established tele-

gionaux ou sous-régionaux, pour résoudre les questions qui n'intéressent pas les autres gouvernements contractants. Ces accords, cependant, ne devront pas être en conflit avec les dispositions de la présente Convention, et ses Règlements.

ARTICLE 17.—*Les télécommunications comme service public*

Les gouvernements contractants sont d'accord pour reconnaître au public le droit d'utiliser les services publics de télécommunications. Le service, les taxes et les garanties seront égaux pour tous les usagers, dans chaque catégorie de télécommunications, sans priorité ni préférence.

CHAPITRE V

TARIFS

ARTICLE 18.—*Principes généraux sur les tarifs*

Dans les services de télécommunications internationaux, les tarifs seront justes, raisonnables et équitables, et correspondront aux services réellement effectués. On appliquera les mêmes principes aux frais pour service terminal ou de transit, ou motivés par un élément quelconque entrant dans la composition desdits tarifs, sans préjudice de la taxe terminale uniforme que les administrations gouvernementales établiront pour tous les télégrammes internationaux, comme contribution à l'entretien général des services télégraphiques exécutés par lesdites administrations, qu'elles interviennent ou non dans l'exécution du service télégraphique international.

ARTICLE 19.—*Egalité de traitement en fait de tarifs*

Les gouvernements contractants décident d'assurer l'égalité de traitement dans la fixation et l'approbation de tarifs, à toutes les entreprises

communications companies, so that any company may charge, for service between any two countries, rates as low as those charged by any other company or administration of the country, operating between the same countries.

CHAPTER VI

SPECIAL PROVISIONS

ARTICLE 20.—*Frequency measuring stations*

The contracting Governments agree to make necessary arrangements for the maintenance of frequency measuring stations.

ARTICLE 21.—*Emergency communications*

Subject to the internal regulations of each country, any radio transmitting stations, may, during a period of emergency in which normal communications facilities are disrupted as a result of hurricane, flood, earthquake or similar disaster, carry on emergency communication with points other than those normally authorized.

ARTICLE 22.—*Safety of life at sea and in the air*

§ 1. The contracting Governments shall take appropriate measures to insure the establishment and maintenance of adequate radio services, operated or licensed by the Government for the safety of navigation by sea and air.

§ 2. Further to promote the safety of life at sea and in the air, the contracting Governments which are party to the International Convention for the Safety of Life at Sea, the International Civil Aviation Organization and the International Telecommunications Convention currently in force, or to one or more of them, undertake to give effect to the

de télécommunications légalement constituées, de telle façon que toute entreprise puisse être autorisée à appliquer des tarifs aussi bas, entre deux pays quelconques, que ceux appliqués par n'importe quelle autre entreprise ou administration d'un pays opérant avec les mêmes pays.

CHAPITRE VI

DISPOSITIONS SPÉCIALES

ARTICLE 20.—*Poste de vérification de fréquences*

Les gouvernements contractants conviennent de prendre les mesures nécessaires pour le fonctionnement des postes de vérification de fréquences.

ARTICLE 21.—*Communications pressantes*

Tout poste de radio émetteur pourra, d'accord avec les lois de son pays, échanger des communications pressantes avec d'autres points que ceux autorisés normalement, pendant une période exceptionnelle d'interruption de fonctionnement régulier des communications par suite d'ouragans, d'inondations, tremblements de terre ou d'autres accidents semblables.

ARTICLE 22.—*Protection de la vie humaine sur mer et dans l'air*

§ 1. Pour la sécurité de la navigation maritime et aérienne, les gouvernements contractants prendront les mesures voulues pour établir et assurer le fonctionnement de services radioélectriques adéquats, dépendant d'eux ou autorisés par eux.

§ 2. Dans le but de contribuer plus largement à la sécurité des vies humaines sur mer et dans l'air, les gouvernements contractants, signataires de la Convention internationale pour la Protection de la Vie humaine en Mer, de l'Organisation Internationale d'Aviation Civile, et de la Convention Internationale de Télécommunications en vigueur, ou de l'une

appropriate radio provisions thereof, to promulgate all related regulations necessary to give those provisions full and complete effect.

§ 3. The contracting Governments which are not party to any of the above-mentioned international instruments undertake to promulgate such regulations and to take all other necessary measures to promote the use of radio for safety of life at sea and in the air in accordance with the objectives and within the framework of those agreements.

ARTICLE 23.—*Facilities for transmission of meteorological information*

The contracting Governments recognize that the rapid collection and dissemination of meteorological information are necessary for the provision of adequate meteorological service. They agree to arrange for the use of existing telecommunications facilities and, if necessary, to establish or arrange for the establishment of additional telecommunications facilities for the purpose of transmitting and receiving meteorological information in accordance with continental, regional and bilateral agreements among the national meteorological services concerned. Such meteorological information ordinarily includes:

a) Current meteorological reports made on land and shipboard, which are based upon synoptic and supplemental surface observations, upper wind observations, and upper level soundings, and aircraft meteorological reports; and

b) Forecast of future meteorological conditions, which are for the

ou plusieurs de ces Conventions, s'engagent à appliquer les dispositions appropriées desdits accords relatifs à la radio, à promulguer tous les règlements connexes, et à prendre toutes les mesures nécessaires pour que ces dispositions entrent en vigueur.

§ 3. Les gouvernements contractants qui ne seront signataires d'aucun des accords internationaux mentionnés au paragraphe précédent, s'engagent à promulguer les règlements et à prendre les autres dispositions nécessaires au développement de l'usage de la radio, pour la protection de la vie humaine dans l'air et sur mer, conformément aux objectifs de ces accords, et dans leur cadre général.

ARTICLE 23.—*Facilités pour la transmission des informations météorologiques*

Les gouvernements contractants reconnaissent que le rapide rassemblement et la diffusion des informations météorologiques sont des conditions indispensables à tout service météorologique adéquat. Ils décident de prendre les mesures nécessaires pour l'usage des installations actuelles de télécommunications, et, si nécessaire, ils établiront de nouvelles installations, et prendront leurs dispositions pour transmettre et recevoir des messages météorologiques, conformément aux accords continentaux, régionaux ou bilatéraux, entre les services officiels intéressés. Cette information météorologique comprendra d'ordinaire:

a) Les observations météorologiques courantes, faites à bord et sur terre, et qui sont basées sur les observations synoptiques et supplémentaires de la surface, les observations des couches supérieures de l'atmosphère, les sondages des grandes hauteurs et les messages météorologiques des avions.

b) Les prévisions des conditions météorologiques, au profit de l'avia-

benefit of aviation, shipping and other users.

ARTICLE 24.—*Clandestine and unauthorized stations*

The contracting Governments agree:

1. To give mutual assistance in discovering and locating clandestine stations and other stations which are performing services which are not authorized.

2. To suppress clandestine stations and to take such corrective action with respect to stations performing unauthorized services as may be appropriate within their jurisdictions.

ARTICLE 25.—*Interchange of cultural broadcast programs*

With the purpose of promoting the closest possible relations between the peoples of the American Region, the contracting governments shall adopt the necessary measures, to the extent of their respective possibilities, to facilitate and extend the retransmission and continued reciprocal interchange of cultural broadcasting programs of an artistic, educational, scientific, and historical nature. The information concerning such broadcasts shall be furnished with as much advance notice as possible, in order to assure maximum publicity and dissemination.

ARTICLE 26.—*Rights in broadcasts*

The contracting Governments shall take appropriate measures to insure that no program transmitted by a broadcasting station may be retransmitted or utilized, in whole or in part, by any other station without the previous authorization of the station of origin.

ARTICLE 27.—*Interchange of news and information*

The contracting Governments shall encourage the rapid and eco-

tion, de la navigation maritime, et d'autres activités.

ARTICLE 24.—*Postes clandestins et services non-autorisés*

Les gouvernements contractants décident:

1. De s'aider mutuellement à découvrir et à localiser les postes clandestins et les autres qui effectuent des services non autorisés.

2. De supprimer les postes clandestins et d'appliquer aux postes qui exploitent des services non autorisés, les sanctions adéquates, dans leurs juridictions respectives.

ARTICLE 25.—*Echange de programmes culturels de radiodiffusion*

Dans le but de rapprocher le plus possible les peuples de la région américaine les gouvernements contractants adopteront, dans la mesure de leurs moyens, les mesures nécessaires pour faciliter et intensifier la retransmission et l'échange continu et réciproque de programmes culturels de radiodiffusion de caractère artistique, éducationnel, scientifique et historique. Les informations sur les retransmissions respectives devront être fournies le plus longtemps possible à l'avance, afin de leur assurer la plus grande divulgation possible.

ARTICLE 26.—*Droits sur les émissions*

Les gouvernements contractants prendront les mesures nécessaires pour éviter que les programmes transmis par un poste de diffusion ne soient retransmis et utilisés, en tout ou en partie, par un autre poste quelconque de diffusion, sans l'autorisation préalable du poste d'origine.

ARTICLE 27.—*Echange de nouvelles et d'informations*

Les gouvernements contractants devront stimuler la transmission, la

nomical transmission, dissemination and interchange of news and information among the nations of the American Region by all means of telecommunications.

ARTICLE 28.—*Radio communications to multiple destinations*

§ 1. The Governments agree to facilitate the operation of radiotelegraph, radioprinter, radio facsimile, radiotelephone, radiophoto and other types of service for the transmission and reception of press radio communications addressed to multiple destinations.

§ 2. These communications may be transmitted for and received by bona fide news agencies, newspapers, periodicals, broadcasting and other bona fide news organizations and shall be addressed to authorized points only.

§ 3. The contracting Governments shall grant to the above-mentioned informative agencies the use and enjoyment of the advantage of radio-communication service to multiple destinations, seeking for such agencies the application of the lowest possible rates, for which purpose the rates may be based on units of time devoted to the transmission or other rate structure which is equally economical.

§ 4. In the application of rates for press radiocommunications with multiple destinations between countries transmitted by one American radio station and addressed—in whole or in part—to American countries, all the American countries will be considered as one destination whatever the number of countries to which the transmissions may be destined.

§ 5. Encouragement should be given to the use and development of devices and methods designed to prevent unauthorized interception of

diffusion et l'échange rapides et économiques, de nouvelles et d'informations entre les nations de la région américaine, par tous les moyens de télécommunications.

ARTICLE 28.—*Radiocommunications à destinations multiples*

§ 1. Les gouvernements contractants décident de faciliter le fonctionnement de la radiotélégraphie, de la radio-imprimerie, de la radio-fascsimilé, de la radiotéléphonie, de la radiophotographie, et d'autres espèces de services pour la transmission et la réception de radiocommunications de presse à destinations multiples.

§ 2. Ces communications pourraient être transmises et reçues par des agences d'informations, par des journaux, des publications, des postes de radiodiffusion, et d'autres organismes d'informations dûment accrédités, et ne pourraient être adressées qu'à des points autorisés.

§ 3. Les gouvernements contractants faciliteront aux agences d'information précitées, l'usage et la jouissance des avantages des services de radiocommunications à destinations multiples, et chercheront à leur appliquer les tarifs les plus bas possible, qui pourront être basés sur les unités de temps consacré à la transmission et sur d'autres tarifs également économiques.

§ 4. Dans l'application de taxes pour les radiocommunications de presse à destinations multiples entre pays, émises par un poste radio-électrique américain et adressées en tout ou en partie à des pays américains, tous les pays seront considérés comme une seule destination, quel que soit le nombre des pays auxquels sont adressées les émissions.

§ 5. L'usage et le développement de dispositifs et de méthodes destinés à empêcher l'interception illégale des transmissions journalistiques de ra-

press radio multiple address transmissions.

dio à destinations multiples, devront être encouragés.

CHAPTER VII

ARBITRATION

ARTICLE 29.—*Principles and procedure*

§ 1. In case of disagreement between two or more contracting Governments concerning the execution of this Convention, or of any Regulations in execution thereof, the dispute, if it is not settled through diplomatic channels, shall be submitted to arbitration at the request of one of the governments in disagreement.

§ 2. Unless the parties in disagreement agree to adopt a procedure already established by bilateral or multilateral treaties concluded among them for the settlement of international disputes or to follow the procedure provided for in § 6 of this article, arbitrators shall be appointed in the following manner:

a) The parties shall decide, by mutual agreement, whether the arbitration is to be entrusted to individuals or to governments; failing an agreement on this matter, governments shall be resorted to.

b) In case the arbitration is to be entrusted to individuals, the arbitrators must not be of the same nationality as any one of the parties concerned in the dispute.

c) In case the arbitration is to be entrusted to governments, the latter must be chosen from among the parties adhering to the agreement, the application of which caused the dispute.

§ 3. The party appealing to arbitration shall be considered as the "plaintiff". This party shall designate an arbitrator and notify the opposing party thereof. The "defendant" must then appoint a second arbitrator, within two months

CHAPITRE VII

ARBITRAGE

ARTICLE 29.—*Règlements et procédure*

§ 1. En cas de divergence entre deux ou plusieurs gouvernements contractants, au sujet de l'exécution de la présente Convention, et de ses Règlements, divergence qu'il soit impossible de régler par voie diplomatique, celle-ci sera soumise à l'arbitrage, sur la demande de l'un des gouvernements en désaccord.

§ 2. Si les parties en désaccord ne décident d'employer un procédé déjà établi par des traités bilatéraux ou multilatéraux faits entre elles, pour la solution des différends internationaux, ou de suivre les procédés prévus au § 6 du présent article, les arbitres seront désignés de la façon suivante:

a) Les parties décideront de commun accord s'il y a lieu de désigner comme arbitres des personnes ou des gouvernements; faute d'accord il sera fait appel à des gouvernements;

b) Si l'arbitrage est confié à des personnes, les arbitres ne pourront être de la nationalité d'aucune des parties intéressées dans le différend.

c) Si l'arbitrage est confié à des gouvernements, ceux-ci devront être choisis parmi les parties adhérentes à l'accord dont l'application aura provoqué le différend.

§ 3. La partie qui aura recours à l'arbitrage sera "la demanderesse". Elle désignera l'arbitre et communiquera son choix à la partie adverse. La "défenderesse" devra désigner un second arbitre dans un délai de deux mois, à compter de la date de ré-

after the receipt of plaintiff's notification.

§ 4. If more than two parties are involved, each group of plaintiffs or of defendants shall appoint an arbitrator, observing the same procedure as in § 3.

§ 5. The two arbitrators thus appointed shall agree in designating an umpire who, if the arbitrators are individuals and not governments, must not be of the same nationality as either of them or either of the parties involved. Failing an agreement of the arbitrators as to the choice of the umpire, each arbitrator shall propose an umpire in no way concerned in the dispute. Lots shall then be drawn between the umpires proposed. A representative of an American government not interested in the dispute, selected by the two arbitrators, will draw the lots.

§ 6. Finally, the parties in dispute shall have the right to have their disagreement settled by a single arbitrator. In this case, either they shall agree on the choice of the arbitrator, or the latter shall be designated in conformity with the method indicated in § 5.

§ 7. The arbitrators shall be free to decide on the procedure to be followed.

§ 8. Each party shall bear the expenses it shall have incurred in the investigation of the dispute. The cost of the arbitration shall be apportioned equally among the parties involved.

§ 9. Notwithstanding, when an international agreement of general applicability for the arbitration of controversies between governments comes into effect, the provisions of such an agreement will govern wherever they are applicable in the interested countries of the American Region in place of §§ 2 to 8 of this Article.

ception de la notification de la "demanderesse".

§ 4. S'il s'agit de plus de deux parties, chaque groupe de demandeurs ou de défendeurs désignera un arbitre, conformément au § 3.

§ 5. Les deux arbitres ainsi désignés se mettront d'accord pour en nommer un troisième, pour les départager. Ce tiers-arbitre, si les arbitres sont des personnes et non des gouvernements, ne pourra être de la nationalité d'aucun des arbitres ni d'aucune des parties intéressées. Quant à la désignation d'un tiers-arbitre, chaque arbitre en proposera un, qui ne sera pas intéressé dans le différend. Ensuite le tiers-arbitre sera tiré au sort parmi ceux qui auront été proposés. C'est le représentant d'un gouvernement américain non intéressé dans le différend, et choisi par les arbitres, qui fera ce tirage au sort.

§ 6. Finalement les parties en désaccord auront la possibilité de soumettre leur controverse à un seul arbitre. Dans ce cas, ils se mettront d'accord pour l'élection de l'arbitre, et le nommeront, conformément au procédé indiqué au § 5.

§ 7. Les arbitres procéderont comme ils l'entendront.

§ 8. Chacune des parties supportera les frais occasionnés par l'instruction du jugement arbitral. Les frais d'arbitrage seront répartis également entre les parties intéressées.

§ 9. Malgré la teneur des §§ 2 à 8 inclusivement, de cet article, si un accord international, d'application générale, pour l'arbitrage de controverses entre gouvernements, entre en vigueur, les dispositions de cet accord prévaudront dans toute la mesure où elles seront applicables dans les pays intéressés de la Région américaine, au lieu de ce qui est prévu dans les paragraphes précités.

CHAPTER VIII

FINAL PROVISIONS

ARTICLE 30.—*Entry into force and ratification of the Convention*

§ 1. Ratification of this Convention by the contracting Governments shall be in conformity with their respective constitutional procedures.

§ 2. This Convention shall come into force on July 1, 1946, if by that date at least five ratifications or adherences have been deposited with the Office of Inter-American Telecommunications, (O. I. T.). If five ratifications or adherences have not been deposited by that date, the Convention shall come into force 30 days after the fifth ratification or adherence has been deposited.

§ 3. The Office of Inter-American Telecommunications, (O. I. T.), as depository agency under the terms of Article 5 of this Convention, shall notify as soon as possible all the Governments of the States of the American Region of the ratifications and adherences which are received.

ARTICLE 31.—*Adherences*

This Convention shall be open to adherence by all nonsignatory states, colonies and territories in the American Region.

ARTICLE 32.—*Reports of ratifications and adherences*

On July 1, 1946, and subsequently at intervals of six months, the Office of Inter-American Telecommunications, (O. I. T.) shall request those governments of the American Region which may not have ratified or adhered to this Convention, to report regarding such ratification or adherence. These reports shall be communicated to all the other governments of the American Region.

ARTICLE 33.—*Denunciation*

This Convention may be denounced by any Government party

CHAPITRE VIII

DISPOSITIONS FINALES

ARTICLE 30.—*Ratifications et mises en vigueur de la Convention*

§ 1. La présente Convention sera ratifiée par les gouvernements contractants, d'accord avec leurs normes constitutionnelles respectives.

§ 2. La présente Convention entrera en vigueur le 1^{er} Juillet 1946, si, à cette date il a été reçu au moins cinq ratifications ou adhésions à l'Office Interaméricain de Télécommunications (O. I. T.).

Dans le cas contraire, la Convention entrera en vigueur trente jours après la réception de la cinquième ratification ou adhésion.

§ 3. L'Office Interaméricain de Télécommunications (O. I. T.), en tant qu'agence dépositaire conformément aux termes de l'article 5 de la présente Convention, notifiera dans le plus bref délai possible, à tous les Gouvernements des Etats de la Région américaine, les ratifications et adhésions reçues.

ARTICLE 31.—*Adhésions*

La présente Convention est ouverte à l'adhésion de tous les Etats, colonies et territoires de la Région américaine qui ne l'auront pas signée.

ARTICLE 32.—*Informations sur les ratifications et adhésions*

Le 1^{er} Juillet 1946, et ensuite, tous les six mois, l'Office Interaméricain de Télécommunications (O. I. T.) sollicitera des gouvernements de la région américaine qui n'auront pas encore ratifié la Convention, ou n'y auront pas encore adhéré, leur avis sur ladite ratification ou adhésion. Ces informations seront transmises à tous les autres gouvernements de la région américaine.

ARTICLE 33.—*Dénunciation*

Tout gouvernement qui fera partie de cette Convention pourra la

to it, by notice addressed to the Office of Inter-American Telecommunications, (O. I. T.). This notice shall become effective for the denouncing Government one year after date of receipt of the notification by the Office. The Office of Inter-American Telecommunications, (O. I. T.), shall notify without delay all the contracting Governments concerning the denunciations which it has received.

ARTICLE 34.—*Abrogation of the Havana Convention*

The stipulations of this Convention, as between the Governments ratifying or adhering to it, supersede the provisions of the Inter-American Radio Communications Convention signed at Havana, December 13, 1937 and Annexes 1, 2 and 3 thereto.

IN WITNESS WHEREOF, the respective delegates have signed this instrument, to be deposited in the archives of the Office of Inter-American Telecommunications, which shall forward authenticated copies thereof to all the contracting Governments.

Done in the city of Rio de Janeiro, United States of Brazil, on the 27th day of September, 1945.

Here follow the names of the delegates of Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, El Salvador, Ecuador, the United States of America, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela.

dénoncer par une notification adressée à l'Office Interaméricain de Télécommunications (O. I. T.). Cette dénonciation ne produira ses effets, pour le gouvernement dénonciateur, qu'un an après la date à laquelle cet Office en aura reçu la notification. L'Office Interaméricain de Télécommunications (O. I. T.) notifiera immédiatement à tous les gouvernements contractants la dénonciation reçue.

ARTICLE 34.—*Abrogation de la Convention de la Havane (1937)*

Les stipulations de la présente Convention, abrogent et substituent, pour les gouvernements qui la ratifient ou y adhèrent, les dispositions de la Convention Interaméricaine de Radiocommunications signées à la Havane le 13 décembre 1937, et ses annexes 1, 2, et 3 correspondants.

EN FOI DE QUOI, les délégués respectifs ont signé cet Instrument qui sera déposé dans les Archives de l'Office Interaméricain de Télécommunications (O. I. T.) qui en enverra des copies authentifiées à tous les Gouvernements contractants.

Fait en la ville de Rio de Janeiro, Etats-Unis du Brésil, le 27 septembre de l'an 1945.

[Annex omitted.]

No. 664

CONSTITUTION of the Food and Agriculture Organization of the United Nations. Opened for signature at Quebec, October 16, 1945.

ACTE constitutif de l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture. Ouvert à la signature à Québec, 16 octobre 1945.

EDITOR'S NOTE. The United Nations Conference on Food and Agriculture, held at Hot Springs, Virginia, May 18–June 3, 1943, established a United Nations Interim Commission on Food and Agriculture. U.N. Conference on Food and Agriculture, *Final Act and Section Reports* (U.S. Department of State, Publ. 1948, Conference Series, No. 52), 61 pp.; *Br. Parl. Papers*, Misc. Nos. 3 and 4 (1943), Cmd. 6451 and 6461. The Interim Commission submitted a draft constitution to the participating governments in August 1944, and twenty governments had indicated acceptance of the Constitution by April 1945; the final Constitution was signed at the opening of the first session of the FAO Conference. Amendments to Articles 3, 5, and 7, adopted by the FAO Conference in 1946 and 1947, are included in the text reproduced. A protocol, signed at Rome, March 30, 1946, transferred to the FAO the functions and assets of the International Institute of Agriculture, established by the Rome convention of June 7, 1905 (see No. 156, *ante*). *U.S. Treaties and Other International Acts Series*, No. 1719. A Combined Food Board, created in 1942 (6 *U.S. Department of State Bulletin* [1942], p. 535), was enlarged into an International Emergency Food Council in 1946 (14 *idem* [1946], p. 1075), which was merged with the FAO on January 1, 1948. The FAO was recognized as a specialized agency of the United Nations by an agreement initialed on June 10, 1946 (No. 664a, *post*). Certain functions of UNRRA (No. 629, *ante*) were transferred to FAO by an agreement between the two organizations, signed at Washington, February 19, 1947. *Second Annual Report of the Director-General to the FAO Conference*, p. 25. An Inter-American Institute of Agricultural Science was established by a convention signed at Washington, January 15, 1944 (No. 631, *ante*).

MEMBERSHIP. On May 4, 1949, all of the states listed in Annex I had approved the Constitution, with the exception of Iran and the Soviet Union. In addition, the following states had been admitted to membership in the Organization: Austria, Burma, Ceylon, Finland, Hungary, Ireland, Italy, Lebanon, Pakistan, Portugal, Saudi Arabia, Switzerland, Syria, Thailand, and Turkey.

BIBLIOGRAPHY. The text of this Constitution is published also in *British Treaty Series*, No. 47 (1946), Cmd. 6955; *U.S. Treaties and Other International Acts Series*, No. 1554; Canada, *Treaty Series*, 1945, No. 32; 1 *Int. Law Quarterly* (1947), p. 140; 40 *Am. Jour. Int. Law* (Supp., 1946), p. 76.

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tion of the United Nations," 12 *U.S. Department of State Bulletin* (1945), pp. 225-30; P. L. Yates, "Food Resources and Human Needs," 55 *Yale Law Journal* (1946), pp. 1233-41.

Entered into force October 16, 1945.

Text and translation supplied by the Food and Agriculture Organization.

PREAMBLE

The Nations accepting this Constitution, being determined to promote the common welfare by furthering separate and collective action on their part for the purposes of

raising levels of nutrition and standards of living of the peoples under their respective jurisdictions,

securing improvements in the efficiency of the production and distribution of all food and agricultural products,

bettering the condition of rural populations,

and thus contributing toward an expanding world economy,

hereby establish the Food and Agriculture Organization of the United Nations, hereinafter referred to as the "Organization," through which the Members will report to one another on the measures taken and the progress achieved in the fields of action set forth above.

ARTICLE I.—*Functions of the Organization*

1. The Organization shall collect, analyze, interpret, and disseminate information relating to nutrition, food and agriculture.

2. The Organization shall promote and, where appropriate, shall recommend national and international action with respect to

(a) scientific, technological, social, and economic research relating to nutrition, food and agriculture;

(b) the improvement of education and administration relating to nu-

[Traduction]

PRÉAMBULE

Les Nations qui adhèrent au présent Acte, résolues à développer le bien-être général par une action particulière et collective, afin :

d'élever le niveau de nutrition et les conditions de vie des populations placées sous leur juridiction respective,

d'améliorer le rendement de la production et l'efficacité de la répartition de tous les produits alimentaires et agricoles,

d'améliorer la condition des populations rurales,

et de contribuer ainsi à l'expansion de l'économie mondiale,

constituent par les présentes l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture, ci-après désignée sous le nom "l'Organisation", par laquelle les Membres se tiendront mutuellement informés des mesures prises et des progrès accomplis dans les champs d'activité énoncés ci-dessus.

ARTICLE I.—*Fonctions de l'Organisation*

1. L'Organisation doit réunir, analyser, interpréter et diffuser tous renseignements relatifs à la nutrition, l'alimentation et l'agriculture.

2. L'Organisation doit provoquer et, le cas échéant, recommander une action nationale et internationale en ce qui concerne :

(a) la recherche scientifique, technologique, sociale et économique relative à la nutrition, l'alimentation et l'agriculture;

(b) le progrès de l'enseignement et de l'organisation en matière de

trition, food and agriculture, and the spread of public knowledge of nutritional and agricultural science and practice;

(c) the conservation of natural resources and the adoption of improved methods of agricultural production;

(d) the improvement of the processing, marketing, and distribution of food and agricultural products;

(e) the adoption of policies for the provision of adequate agricultural credit, national and international;

(f) the adoption of international policies with respect to agricultural commodity arrangements.

3. It shall also be the function of the Organization

(a) to furnish such technical assistance as governments may request;

(b) to organize, in co-operation with the governments concerned, such missions as may be needed to assist them to fulfill the obligations arising from their acceptance of the recommendations of the United Nations Conference on Food and Agriculture; and

(c) generally to take all necessary and appropriate action to implement the purposes of the Organization as set forth in the Preamble.

nutrition, d'alimentation et d'agriculture, ainsi que la vulgarisation des sciences et des méthodes appliquées à la nutrition et à l'agriculture;

(c) la protection des ressources naturelles et l'adoption des techniques nouvelles de production agricole;

(d) l'amélioration des procédés de transformation, de mise en vente et de répartition des produits alimentaires et agricoles;

(e) l'adoption de directives générales tendant à la constitution d'un système de crédit agricole national et international;

(f) l'adoption d'une politique internationale en matière d'accords sur les produits agricoles.

3. L'Organisation a également pour rôle:

(a) de fournir telle assistance technique que les gouvernements peuvent lui demander;

(b) d'organiser, en coopération avec les gouvernements intéressés, telles missions qui s'avèreraient utiles pour aider ceux-ci à remplir les obligations découlant de leur acceptation des recommandations de la Conférence des Nations Unies pour l'Alimentation et l'Agriculture; et

(c) d'une façon générale de prendre toutes dispositions nécessaires et appropriées pour atteindre les buts de l'Organisation tels qu'ils sont définis dans le Préambule.

ARTICLE 2.—*Membership*

1. The original Members of the Organization shall be such of the nations specified in Annex I as accept this Constitution in accordance with the provisions of Article 21.

2. Additional Members may be admitted to the Organization by a vote concurred in by a two-thirds majority of all the members of the Conference and upon acceptance of this Constitution as in force at the time of admission.

ARTICLE 2.—*Membres*

1. Les Membres originaires de l'Organisation sont celles des Nations désignées à l'Annexe I qui acceptent le présent Acte constitutif conformément aux dispositions de l'Article 21.

2. Des membres nouveaux peuvent être admis dans l'Organisation, par un vote à la majorité des deux tiers de tous les Membres de la Conférence et sur leur acceptation de l'Acte constitutif tel qu'en vigueur à l'époque de leur admission.

ARTICLE 3.—*The Conference*

1. There shall be a Conference of the Organization in which each Member nation shall be represented by one member.

2. Each Member nation may appoint an alternate, associates, and advisers to its member of the Conference. The Conference may make rules concerning the participation of alternates, associates, and advisers in its proceedings, but any such participation shall be without the right to vote except in the case of an alternate or associate participating in the place of a member.

3. No member of the Conference may represent more than one Member nation.

4. Each Member nation shall have only one vote. A Member nation which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the Conference if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Conference may, nevertheless, permit such a Member nation to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member nation.¹

5. The Conference may invite any public international organization which has responsibilities related to those of the Organization to appoint a representative who shall participate in its meetings on the conditions prescribed by the Conference. No such representative shall have the right to vote.

6. The Conference shall meet at least once in every year.

7. The Conference shall elect its own officers, regulate its own pro-

ARTICLE 3.—*La Conférence*

1. L'Organisation comporte une Conférence au sein de laquelle chaque Etat Membre est représenté par un délégué.

2. Chaque Etat Membre peut désigner auprès de son délégué à la Conférence un suppléant, des adjoints et des experts. La Conférence peut formuler des règlements relatifs à la participation à ses délibérations des suppléants, adjoints et experts, mais cette participation ne comporte pas le droit de vote, sauf dans le cas où un suppléant ou un adjoint remplace le délégué.

3. Aucun Membre de la Conférence ne peut représenter plus d'une nation.

4. Chaque Etat Membre ne dispose que d'une voix. Tout Etat Membre en retard dans le paiement de ses contributions à l'Organisation, se voit privé du droit de vote à la Conférence si le montant de ses arriérés égale ou dépasse celui des contributions dues par lui pour la totalité des deux années écoulées. La Conférence peut néanmoins autoriser un tel Etat Membre à exercer son droit de vote si elle constate que ce défaut de paiement est dû à des circonstances indépendantes de la volonté dudit Etat Membre.¹

5. La Conférence peut inviter toute organisation publique internationale dont la compétence est en rapport avec celle de l'Organisation à nommer un représentant qui participe à ses réunions dans les conditions fixées par la Conférence. Ce représentant n'a pas le droit de vote.

6. La Conférence se réunit au moins une fois par an.

7. La Conférence nomme ses propres fonctionnaires, fixe son règle-

¹ The first sentence of paragraph 4 is part of the original Constitution. The remainder of the paragraph was added as an amendment by the Second Session of the FAO Conference at Copenhagen, September 1946.

¹ Les deux dernières phrases de ce paragraphe 4, ajoutées au texte initial, constituent l'amendement adopté par la Conférence lors de sa deuxième session (Copenhague, septembre 1946).

cedure, and make rules governing the convocation of sessions and the determination of agenda.

8. Except as otherwise expressly provided in this Constitution or by rules made by the Conference, all matters shall be decided by the Conference by a simple majority of the votes cast.

ARTICLE 4.—*Functions of the Conference*

1. The Conference shall determine the policy and approve the budget of the Organization and shall exercise the other powers conferred upon it by this Constitution.

2. The Conference may by a two-thirds majority of the votes cast make recommendations concerning questions relating to food and agriculture to be submitted to Member nations for consideration with a view to implementation by national action.

3. The Conference may by a two-thirds majority of the votes cast submit conventions concerning questions relating to food and agriculture to Member nations for consideration with a view to their acceptance by the appropriate constitutional procedure.

4. The Conference shall make rules laying down the procedure to be followed to secure:

(a) proper consultation with governments and adequate technical preparation prior to consideration by the Conference of proposed recommendations and conventions; and

(b) proper consultation with governments in regard to relations between the Organization and national institutions or private persons.

5. The Conference may make recommendations to any public international organization regarding any matter pertaining to the purpose of the Organization.

ment et arrête les règles applicables à la convocation aux sessions et à la fixation de l'ordre du jour.

8. Toutes résolutions sont prises par la Conférence à la majorité absolue des votes émis, à moins qu'il n'en soit autrement décidé par le présent Acte constitutif ou par un règlement de la Conférence.

ARTICLE 4.—*Fonctions de la Conférence*

1. La Conférence formule la politique générale, approuve le budget de l'Organisation et exerce tous autres pouvoirs qui lui sont conférés par le présent Acte constitutif.

2. La Conférence peut, à la majorité des deux tiers des votes émis, faire, sur les questions relatives à l'alimentation et à l'agriculture, des recommandations destinées à être soumises à l'attention des Etats Membres en vue de leur mise à exécution par une action nationale.

3. La Conférence peut, à la majorité des deux tiers des votes émis, soumettre à l'examen des Etats Membres des conventions relatives à l'alimentation et à l'agriculture en vue de leur acceptation suivant la procédure constitutionnelle appropriée.

4. La Conférence arrête la procédure à suivre pour:

(a) assurer toute consultation utile avec les gouvernements et toute préparation technique appropriée des propositions de recommandations et de conventions préalablement à leur examen par la Conférence; et

(b) assurer toute consultation utile avec les gouvernements sur les relations entre l'Organisation et les institutions nationales ou les personnes privées.

5. La Conférence peut faire des recommandations à toute organisation publique internationale sur toutes questions se rapportant aux fins de l'Organisation.

6. The Conference may by a two-thirds majority of the votes cast agree to discharge any other functions consistent with the purposes of the Organization which may be assigned to it by governments or provided for by any arrangement between the Organization and any other public international organization.

ARTICLE 5.¹—*Council of FAO*

1. The Conference shall elect a Council of the Food and Agriculture Organization consisting of eighteen Member nations, which will each be represented by one member. The Conference shall appoint an independent Chairman of the Council. The tenure and other conditions of office of the members of the Council shall be subject to rules to be made by the Conference.

2. The Conference may delegate to the Council such powers as it may determine, with the exception of powers set forth in paragraph 2 of Article 2, paragraphs 1, 3, 4, 5, and 6 of Article 4, paragraph 1 of Article 7, Article 13, and Article 20 of this Constitution.

3. The Council shall appoint its officers other than the Chairman and, subject to any decisions of the Conference, shall adopt its own rules of procedure.

4. The Council shall establish a Co-ordinating Committee to tender advice on the co-ordination of technical work and the continuity of the activities of the Organization undertaken in accordance with the decisions of the Conference.

ARTICLE 6.—*Committees and Conferences*

1. The Conference may establish technical and regional standing com-

6. La Conférence peut, à la majorité des deux tiers des votes émis, accepter de remplir toutes autres fonctions compatibles avec les buts de l'Organisation qui pourraient lui être assignées par les gouvernements ou être prévues par un accord passé entre l'Organisation et toute autre organisation publique internationale.

ARTICLE 5.¹—*Le Conseil de la FAO*

1. La Conférence élit un Conseil de l'Organisation pour l'Alimentation et l'Agriculture comprenant dix-huit Etats Membres, chacun étant représenté par un délégué. La Conférence élit un Président du Conseil indépendant. La durée et les autres conditions du mandat des membres du Conseil sont déterminées par un règlement qui est établi par la Conférence.

2. La Conférence peut déléguer au Conseil tels pouvoirs qu'elle juge bon, à l'exception des pouvoirs indiqués au paragraphe 2 de l'Article 2, aux paragraphes 1, 3, 4, 5 et 6 de l'Article 4, au paragraphe 1 de l'Article 7, à l'Article 13 et à l'Article 20 du présent Acte constitutif.

3. Le Conseil nomme les membres de son bureau autres que le Président et, sous réserve des décisions de la Conférence, adopte son propre Règlement intérieur.

4. Le Conseil crée un Comité de coordination qui donne des avis sur la coordination des travaux techniques et la continuité des activités de l'Organisation entreprises conformément aux décisions de la Conférence.

ARTICLE 6.—*Comités et Conférences*

1. La Conférence peut constituer des comités techniques et régionaux permanents et nommer des commis-

¹ Article 5 is an amendment to the Constitution, adopted by the Third Session of the FAO Conference at Geneva in September 1947. It replaces the original Article 5, which appears in the Appendix.

¹ Le texte qui suit est celui de l'amendement adopté par la Conférence lors de sa troisième session (Genève, septembre 1947). Il se substitue au texte original de l'Article 5, reproduit pour mémoire en Appendice.

mittees and may appoint committees to study and report on any matter pertaining to the purpose of the Organization.

2. The Conference may convene general, technical, regional, or other special conferences and may provide for the representation at such conferences, in such manner as it may determine, of national and international bodies concerned with nutrition, food and agriculture.

ARTICLE 7.—*The Director-General*

1. There shall be a Director-General of the Organization who shall be appointed by the Conference by such procedure and on such terms as it may determine.

2. Subject to the general supervision of the Conference and the Council, the Director-General shall have full power and authority to direct the work of the Organization.¹

3. The Director-General or a representative designated by him shall participate, without the right to vote, in all meetings of the Conference and of the Council and shall formulate for consideration by the Conference and the Council proposals for appropriate action in regard to matters coming before them.¹

ARTICLE 8.—*Staff*

1. The staff of the Organization shall be appointed by the Director-General in accordance with such procedure as may be determined by rules made by the Conference.

2. The staff of the Organization shall be responsible to the Director-General. Their responsibilities shall be exclusively international in character and they shall not seek or receive instructions in regard to the discharge thereof from any authority external to the Organization. The

sions pour étudier et établir des rapports sur toutes questions se rapportant aux fins de l'Organisation.

2. La Conférence peut convoquer des conférences générales, techniques, régionales ou spéciales et peut assurer, de la manière qu'elle juge bon, la représentation à de telles conférences des organismes nationaux et internationaux s'occupant de nutrition, d'alimentation et d'agriculture.

ARTICLE 7.—*Le Directeur général*

1. L'Organisation a un Directeur général. Celui-ci est nommé par la Conférence suivant telle procédure et dans telles conditions qu'elle détermine.

2. Sous réserve du contrôle général de la Conférence et du Conseil, le Directeur général a pleins pouvoirs et autorité pour diriger les travaux de l'Organisation.¹

3. Le Directeur général ou un représentant désigné par lui participe, sans droit de vote, à toutes les séances de la Conférence et du Conseil et soumet à l'examen de la Conférence et du Conseil toutes propositions en vue d'une action appropriée concernant les questions dont ils sont saisis.¹

ARTICLE 8.—*Personnel*

1. Les fonctionnaires de l'Organisation sont nommés par le Directeur général conformément à un règlement fixé par la Conférence.

2. Les fonctionnaires de l'Organisation sont responsables devant le Directeur général. Leurs fonctions ont un caractère purement international et ils ne peuvent provoquer ni recevoir d'instructions d'aucune autorité extérieure à l'Organisation. Les Etats Membres s'engagent à

¹ Paragraphs 2 and 3 of Article 7 are amendments to the Constitution adopted by the Third Session of the FAO Conference at Geneva, September 1947.

¹ Le texte des paragraphes 2 et 3 qui apparaît ici est celui de l'amendement adopté par la Conférence lors de sa troisième session (Genève, septembre 1947).

Member nations undertake fully to respect the international character of the responsibilities of the staff and not to seek to influence any of their nationals in the discharge of such responsibilities.

3. In appointing the staff the Director-General shall, subject to the paramount importance of securing the highest standards of efficiency and of technical competence, pay due regard to the importance of selecting personnel recruited on as wide a geographical basis as is possible.

4. Each Member nation undertakes, insofar as it may be possible under its constitutional procedure, to accord to the Director-General and senior staff diplomatic privileges and immunities and to accord to other members of the staff all facilities and immunities accorded to non-diplomatic personnel attached to diplomatic missions, or alternatively to accord to such other members of the staff the immunities and facilities which may hereafter be accorded to equivalent members of the staffs of other public international organizations.

ARTICLE 9.—*Seat*

The seat of the Organization shall be determined by the Conference.

ARTICLE 10.—*Regional and Liaison Offices*

1. There shall be such regional offices as the Director-General with the approval of the Conference may decide.

2. The Director-General may appoint officials for liaison with particular countries or areas subject to the agreement of the government concerned.

ARTICLE 11.—*Reports by Members*

1. Each Member nation shall communicate periodically to the Organization reports on the progress

respecter pleinement le caractère international des fonctions incombant au personnel et à ne pas chercher à influencer un quelconque de leurs nationaux dans l'exercice des dites fonctions.

3. Dans le choix du personnel, le Directeur général doit, compte tenu de l'importance capitale qu'il y a à s'assurer les services de personnes présentant les plus hautes qualités de travail et de compétence technique, ne pas perdre de vue l'intérêt d'un recrutement établi sur une base géographique aussi large que possible.

4. Chaque Etat Membre s'engage, dans toute la mesure où sa procédure constitutionnelle le lui permet, à accorder au Directeur général et au personnel de direction les privilèges et immunités diplomatiques, et à accorder aux autres membres du personnel toutes facilités et immunités d'usage pour le personnel non diplomatique attaché aux missions diplomatiques, ou à faire bénéficier ceux-ci des immunités et facilités qui pourront à l'avenir être accordées au personnel assimilé d'organisations publiques internationales.

ARTICLE 9.—*Siège*

Le Siège de l'Organisation est fixé par la Conférence.

ARTICLE 10.—*Bureaux régionaux et de liaison*

1. Le Directeur général peut, avec l'approbation de la Conférence, décider d'établir des bureaux régionaux.

2. Le Directeur général peut nommer des agents chargés de la liaison avec des pays ou régions particuliers, sous réserve de l'approbation du gouvernement intéressé.

ARTICLE 11.—*Rapports présentés par les Etats Membres*

1. Chaque Etat Membre adresse périodiquement à l'Organisation des rapports sur les progrès accomplis en

made toward achieving the purpose of the Organization set forth in the Preamble and on the action taken on the basis of recommendations made and conventions submitted by the Conference.

2. These reports shall be made at such times and in such form and shall contain such particulars as the Conference may request.

3. The Director-General shall submit these reports, together with analyses thereof, to the Conference and shall publish such reports and analyses as may be approved for publication by the Conference together with any reports relating thereto adopted by the Conference.

4. The Director-General may request any Member nation to submit information relating to the purpose of the Organization.

5. Each Member nation shall, on request, communicate to the Organization, on publication, all laws and regulations and official reports and statistics concerning nutrition, food and agriculture.

ARTICLE 12.—*Co-operation with Other Organizations*

1. In order to provide for close co-operation between the Organization and other public international organizations with related responsibilities, the Conference may, subject to the provisions of Article 13, enter into agreements with the competent authorities of such organizations defining the distribution of responsibilities and methods of co-operation.

2. The Director-General may, subject to any decisions of the Conference, enter into agreements with other public international organizations for the maintenance of common services, for common arrangements in regard to recruitment, training, conditions of service, and other related matters, and for interchanges of staff.

vue d'atteindre les buts définis dans le Préambule, et sur les mesures prises sur la base des recommandations faites et des conventions proposées par la Conférence.

2. Ces rapports sont établis à telles époques et sous telle forme, et contiennent telles informations, que la Conférence peut demander.

3. Le Directeur général soumet à la Conférence ces rapports accompagnés d'une analyse, et rend publics ceux de ces rapports et analyses dont la publication est approuvée par la Conférence en même temps que tous autres rapports connexes adoptés par la Conférence.

4. Le Directeur général peut demander à chacun des Etats Membres de lui fournir toutes informations en rapport avec les fins de l'Organisation.

5. Tout Etat Membre doit, sur la demande de l'Organisation, adresser à celle-ci, dès leur publication, tous règlements, lois, rapports officiels et statistiques concernant la nutrition, l'alimentation et l'agriculture.

ARTICLE 12.—*Coopération avec d'autres Organisations*

1. Afin d'assurer une coopération étroite entre l'Organisation et les autres organisations publiques internationales ayant des fonctions connexes, la Conférence peut, sous réserve des stipulations de l'Article 13, conclure avec les autorités compétentes de ces organisations des accords définissant la répartition des fonctions et les méthodes de coopération.

2. Le Directeur général peut, sous réserve des décisions de la Conférence, conclure avec d'autres organisations publiques internationales des accords tendant à assurer certains services communs, à coordonner les conditions de recrutement, de formation et d'emploi, et à faciliter les échanges de personnel.

ARTICLE 13.—*Relation to Any General World Organisation*

1. The Organization shall, in accordance with the procedure provided for in the following paragraph, constitute a part of any general international organization to which may be entrusted the coordination of the activities of international organizations with specialized responsibilities.

2. Arrangements for defining the relations between the Organization and any such general organization shall be subject to the approval of the Conference. Notwithstanding the provisions of Article 20, such arrangements may, if approved by the Conference by a two-thirds majority of the votes cast, involve modification of the provisions of this Constitution: Provided that no such arrangements shall modify the purposes and limitations of the Organization as set forth in this Constitution.

ARTICLE 14.—*Supervision of Other Organizations*

The Conference may approve arrangements placing other public international organizations dealing with questions relating to food and agriculture under the general authority of the Organization on such terms as may be agreed with the competent authorities of the organization concerned.

ARTICLE 15.—*Legal Status*

1. The Organization shall have the capacity of a legal person to perform any legal act appropriate to its purpose which is not beyond the powers granted to it by this Constitution.

2. Each Member nation undertakes, insofar as it may be possible under its constitutional procedure, to accord to the Organization all the immunities and facilities which it

ARTICLE 13.—*Rapports avec toute organisation mondiale générale*

1. L'Organisation s'intégrera, selon la procédure prévue au paragraphe suivant, dans toute organisation internationale générale qui pourra être chargée de coordonner l'activité des organismes internationaux à compétences spéciales.

2. Les accords déterminant les rapports entre l'Organisation et une telle organisation générale seront soumis à l'approbation de la Conférence. Nonobstant les clauses de l'Article 20, ces accords pourront, s'ils sont approuvés par la Conférence à la majorité des deux tiers des votants, impliquer la modification des dispositions du présent Acte constitutif, sous réserve qu'aucun de ces accords ne modifie les fins et la compétence de l'Organisation telles qu'elles sont fixées par le présent Acte constitutif.

ARTICLE 14.—*Contrôle d'autres organisations*

La Conférence peut approuver des conventions plaçant sous l'autorité générale de l'Organisation d'autres organisations publiques internationales s'occupant de questions d'alimentation et d'agriculture, dans telles conditions qui pourront être déterminées d'accord avec les autorités compétentes des organisations intéressées.

ARTICLE 15.—*Statut juridique*

1. L'Organisation a la personnalité juridique pour accomplir toute action légale conforme à son but dans les limites des pouvoirs qui lui sont conférés par le présent Acte constitutif.

2. Chaque Etat Membre s'engage, dans toute la mesure où sa procédure constitutionnelle le lui permet, à faire bénéficier l'Organisation de toutes les immunités et

accords to diplomatic missions, including inviolability of premises and archives, immunity from suit, and exemptions from taxation.

3. The Conference shall make provision for the determination by an administrative tribunal of disputes relating to the conditions and terms of appointment of members of the staff.

ARTICLE 16.—*Fish and Forest Products*

In this Constitution the term "agriculture" and its derivatives include fisheries, marine products, forestry, and primary forestry products.

ARTICLE 17.—*Interpretation of Constitution*

Any question or dispute concerning the interpretation of this Constitution or any international convention adopted thereunder shall be referred for determination to an appropriate international court or arbitral tribunal in the manner prescribed by rules to be adopted by the Conference.

ARTICLE 18.—*Expenses*

1. Subject to the provisions of Article 25, the Director-General shall submit to the Conference an annual budget covering the anticipated expenses of the Organization. Upon approval of a budget the total amount approved shall be allocated among the Member nations in proportions determined, from time to time, by the Conference. Each Member nation undertakes, subject to the requirements of its constitutional procedure, to contribute to the Organization promptly its share of the expenses so determined.

2. Each Member nation shall, upon its acceptance of this Constitution, pay as its first contribution its proportion of the annual budget for the current financial year.

facilités qu'il accorde aux missions diplomatiques, y compris l'inviolabilité des locaux et archives, l'exception de juridiction et les exemptions fiscales.

3. La Conférence prend les dispositions nécessaires pour soumettre à une juridiction administrative les conflits concernant les conditions de nomination et d'emploi du personnel.

ARTICLE 16.—*Produits de la pêche et des forêts*

Dans le présent Acte constitutif, le terme "agriculture" et les définitions qui s'y rattachent comprennent les pêches, les produits de la mer, les forêts et les produits directs de l'exploitation forestière.

ARTICLE 17.—*Interprétation de l'Acte constitutif*

Toute question ou contestation portant sur l'interprétation du présent Acte constitutif ou de toute convention internationale adoptée en conformité d'icelui sera soumise à la décision d'une cour internationale ou d'un tribunal arbitral appropriés suivant une procédure qui sera adoptée par la Conférence.

ARTICLE 18.—*Budget*

1. Sous réserve des clauses de l'Article 25, le Directeur général soumet à la Conférence un budget annuel couvrant les prévisions de dépenses de l'Organisation. Après adoption du budget, le montant total approuvé est réparti entre les Etats Membres suivant les proportions qui sont déterminées périodiquement par la Conférence. Chaque Etat Membre s'engage, sous réserve des exigences de sa procédure constitutionnelle, à verser ponctuellement à l'Organisation la contribution qui lui est ainsi assignée.

2. Chaque Etat Membre, dès son acceptation du présent Acte constitutif, verse comme paiement initial sa part du budget annuel pour l'exercice financier en cours.

3. The financial year of the Organization shall be July 1 to June 30 unless the Conference should otherwise determine.*

ARTICLE 19.—*Withdrawal*

Any Member nation may give notice of withdrawal from the Organization at any time after the expiration of four years from the date of its acceptance of this Constitution. Such notice shall take effect one year after the date of its communication to the Director-General of the Organization subject to the Member nation's having at that time paid its annual contribution for each year of its membership including the financial year following the date of such notice.

ARTICLE 20.—*Amendment of Constitution*

1. Amendments to this Constitution involving new obligations for Member nations shall require the approval of the Conference by a vote concurred in by a two-thirds majority of all the members of the Conference and shall take effect on acceptance by two-thirds of the Member nations for each Member nation accepting the amendment and thereafter for each remaining Member nation on acceptance by it.

2. Other amendments shall take effect on adoption by the Conference by a vote concurred in by a two-thirds majority of all the members of the Conference.

ARTICLE 21.—*Entry into force of Constitution*

1. This Constitution shall be open to acceptance by the nations specified in Annex I.

* NOTE.—An amendment of the Financial Regulations adopted by the Conference at its Second Session, September 1946, ruled that the financial year of the Organization shall be the calendar year. See Regulation III.

* REMARQUE.—Un amendement au Règlement financier, adopté par la Conférence au cours de sa deuxième session, en septembre 1946, stipule que l'exercice financier de l'Organisation correspond à l'année civile. Voir Article III.

3. L'exercice financier de l'Organisation commence le 1^{er} juillet et se termine le 30 juin, à moins que la Conférence n'en décide autrement.*

ARTICLE 19.—*Retrait des Membres*

Tout Etat Membre peut notifier son retrait de l'Organisation à tout moment après l'expiration d'un délai de quatre ans courant du jour de son acceptation du présent Acte constitutif. Cette notification prend effet un an après le jour où elle a été signifiée au Directeur générale de l'Organisation, sous réserve que l'Etat Membre intéressé ait, à cette date, payé sa contribution pour toutes les années pendant lesquelles il a appartenu à l'Organisation, y compris l'exercice financier qui suit la date de la notification.

ARTICLE 20.—*Amendements à l'Acte constitutif*

1. Tous amendements au présent Acte constitutif, impliquant des obligations nouvelles pour les Etats Membres, doivent être approuvés par la Conférence à la majorité des deux tiers de l'ensemble de ses Membres. Ces amendements prennent effet, pour ceux des Etats Membres qui les ont acceptés, du jour de leur acceptation par les deux tiers des Membres, et, par la suite, pour les autres Etats Membres, au moment où chacun d'eux vient à les accepter.

2. Les autres amendements prennent effet quand ils ont été adoptés par la Conférence à la majorité des deux tiers de l'ensemble de ses Membres.

ARTICLE 21.—*Entrée en vigueur de l'Acte constitutif*

1. Le présent Acte constitutif sera ouvert à l'acceptation des Nations énumérées à l'Annexe I.

2. The instruments of acceptance shall be transmitted by each government to the United Nations Interim Commission on Food and Agriculture, which shall notify their receipt to the governments of the nations specified in Annex I. Acceptance may be notified to the Interim Commission through a diplomatic representative, in which case the instrument of acceptance must be transmitted to the Commission as soon as possible thereafter.

3. Upon the receipt by the Interim Commission of twenty notifications of acceptance the Interim Commission shall arrange for this Constitution to be signed in a single copy by the diplomatic representatives, duly authorized thereto, of the nations who shall have notified their acceptance, and upon being so signed on behalf of not less than twenty of the nations specified in Annex I this Constitution shall come into force immediately.

4. Acceptances the notification of which is received after the entry into force of this Constitution shall become effective upon receipt by the Interim Commission or the Organization.

ARTICLE 22.—*First Session of the Conference*

The United Nations Interim Commission on Food and Agriculture shall convene the first session of the Conference to meet at a suitable date after the entry into force of this Constitution.

ARTICLE 23.—*Languages*

Pending the adoption by the Conference of any rules regarding languages, the business of the Conference shall be transacted in English.

ARTICLE 24.—*Temporary Seat*

The temporary seat of the Organization shall be at Washington

2. L'instrument d'acceptation sera transmis par chaque gouvernement à la Commission intérimaire des Nations Unies pour l'Alimentation et l'Agriculture, qui en notifiera la réception aux gouvernements des Nations énumérées à l'Annexe I. L'acceptation pourra être notifiée à la Commission intérimaire par l'intermédiaire d'un représentant diplomatique, auquel cas l'instrument d'acceptation devra être transmis à la Commission aussitôt que possible.

3. Après réception de vingt avis d'acceptation, la Commission intérimaire prendra les dispositions nécessaires pour faire signer le présent Acte constitutif en un seul exemplaire par les représentants diplomatiques, dûment autorisés à cet effet, des Nations qui auront signifié leur acceptation, et, dès que le texte aura été signé au nom d'au moins vingt des Nations énumérées à l'Annexe I, le présent Acte constitutif entrera immédiatement en vigueur.

4. Les acceptations notifiées après l'entrée en vigueur du présent Acte constitutif prendront effet dès que la Commission intérimaire ou l'Organisation les aura reçues.

ARTICLE 22.—*Première session de la Conférence*

La Commission intérimaire des Nations Unies pour l'Alimentation et l'Agriculture invitera la Conférence à tenir sa première session à une date appropriée après l'entrée en vigueur du présent Acte constitutif.

ARTICLE 23.—*Langues*

En attendant l'adoption par la Conférence d'un règlement relatif à l'emploi des langues, le travail courant de la Conférence se traitera en anglais.

ARTICLE 24.—*Siège temporaire*

Le siège temporaire de l'Organisation sera à Washington à moins

unless the Conference should otherwise determine.

ARTICLE 25.—*First Financial Year*

The following exceptional arrangements shall apply in respect of the first financial year in which this Constitution comes into force:

(a) The budget shall be the provisional budget set forth in Annex II to this Constitution; and

(b) The amounts to be contributed by the Member nations shall be in the proportions set forth in Annex II to this Constitution: Provided that each Member nation may deduct therefrom the amount already contributed by it toward the expenses of the Interim Commission.

ARTICLE 26.—*Dissolution of the Interim Commission*

On the opening of the first session of the Conference, the United Nations Interim Commission on Food and Agriculture shall be deemed to be dissolved and its records and other property shall become the property of the Organization.

que la Conférence n'en décide autrement.

ARTICLE 25.—*Premier exercice financier*

Le premier exercice financier au cours duquel le présent Acte constitutif entrera en vigueur fera l'objet des dispositions extraordinaires suivantes:

(a) Le budget aura la forme provisoire prévue à l'Annexe II du présent Acte constitutif.

(b) La contribution de chaque Etat Membre sera calculée suivant le pourcentage indiqué à l'Annexe II du présent Acte constitutif, étant entendu que chaque Etat Membre pourra déduire de ladite contribution la somme qu'il aura déjà versée pour couvrir les dépenses de la Commission intérimaire.

ARTICLE 26.—*Dissolution de la Commission intérimaire*

A l'ouverture de la première session de la Conférence, la Commission intérimaire des Nations Unies pour l'Alimentation et l'Agriculture sera réputée dissoute et ses archives et autres biens deviendront la propriété de l'Organisation.

ANNEX I

NATIONS ELIGIBLE FOR ORIGINAL MEMBERSHIP

Australia	Iran
Belgium	Iraq
Bolivia	Liberia
Brazil	Luxembourg
Canada	Mexico
Chile	Netherlands
China	New Zealand
Colombia	Nicaragua
Costa Rica	Norway
Cuba	Panama
Czechoslovakia	Paraguay
Denmark	Peru
Dominican Republic	Philippine
Ecuador	Commonwealth
	Poland

ANNEXE I

NATIONS POUVANT ÊTRE ADMISES COMME MEMBRES ORIGINAIRES

Australie	Libéria
Belgique	Luxembourg
Bolivie	Mexique
Brésil	Nicaragua
Canada	Norvège
Chili	Nouvelle-Zélande
Chine	Panama
Colombie	Paraguay
Commonwealth des Philippines	Pays-Bas
Costa-Rica	Pérou
Cuba	Pologne
Danemark	République
Egypte	Dominicaine
Equateur	Royaume-Uni de Grande-Bretagne

Egypt	Union of South	Etats-Unis	et d'Irlande du
El Salvador	Africa	d'Amérique	Nord
Ethiopia	Union of Soviet	Ethiopie	Salvador
France	Socialist Republics	France	Tchécoslovaquie
Greece	United Kingdom	Grèce	Union des
Guatemala	United States of	Guatemala	Républiques
Haiti	America	Haiti	Socialistes
Honduras	Uruguay	Honduras	Soviétiques
Iceland	Venezuela	Inde	Union Sud-Africaine
India	Yugoslavia	Irak	Uruguay
		Iran	Venezuela
		Islande	Yougoslavie

ANNEX II

BUDGET FOR THE FIRST FINANCIAL YEAR

The provisional budget for the first financial year shall be a sum of 2,500,000 U.S. dollars, the unspent balance of which shall constitute the nucleus of a capital fund.

This sum shall be contributed by the Member nations in the following proportions:

	<i>Per cent</i>
Australia	3.33
Belgium	1.28
Bolivia	.29
Brazil	3.46
Canada	5.06
Chile	1.15
China	6.50
Colombia	.71
Costa Rica	.05
Cuba	.71
Czechoslovakia	1.40
Denmark	.62
Dominican Republic	.05
Ecuador	.05
Egypt	1.73
El Salvador	.05
Ethiopia	.29
France	5.69
Greece	.38
Guatemala	.05
Haiti	.05
Honduras	.05
Iceland	.05
India	4.25
Iran	.71
Iraq	.44
Liberia	.05
Luxembourg	.05
Mexico	1.87
Netherlands	1.38
New Zealand	1.15

ANNEXE II

BUDGET POUR LE PREMIER EXERCICE FINANCIER

Le budget provisoire du premier exercice financier est fixé à une somme de 2,500,000 dollars américains, dont le solde non utilisé constituera la première dotation d'un fonds de réserve.

Les Etats Membres contribueront à cette somme dans les proportions suivantes:

	<i>Pour cent</i>
Australie	3,33
Belgique	1,28
Bolivie	0,29
Brésil	3,46
Canada	5,06
Chili	1,15
Chine	6,50
Colombie	0,71
Commonwealth des Philippines	0,25
Costa-Rica	0,05
Cuba	0,71
Danemark	0,62
Egypte	1,73
Equateur	0,05
Etats-Unis d'Amérique	25,00
Ethiopie	0,29
France	5,69
Grèce	0,38
Guatemala	0,05
Haiti	0,05
Honduras	0,05
Inde	4,25
Irak	0,44
Iran	0,71
Islande	0,05
Libéria	0,05
Luxembourg	0,05
Mexique	1,87
Nicaragua	0,05
Norvège	0,62
Nouvelle-Zélande	1,15

	<i>Per cent</i>		<i>Pour cent</i>
Nicaragua.....	.05	Panama	0,05
Norway.....	.62	Paraguay.....	0,05
Panama.....	.05	Pays-Bas.....	1,38
Paraguay.....	.05	Pérou.....	0,71
Peru.....	.71	Pologne.....	1,19
Philippines.....	.25	République Dominicaine.....	0,05
Poland.....	1.19	Royaume-Uni de Grande-Bretagne et d'Irlande du Nord.....	15,00
Union of South Africa.....	2.31	Salvador.....	0,05
U.S.S.R.....	8.00	Tchécoslovaquie.....	1,40
United Kingdom.....	15.00	Union des Républiques Socialistes Soviétiques.....	8,00
U.S.A.....	25.00	Union Sud-Africaine.....	2,31
Uruguay.....	.58	Uruguay.....	0,58
Venezuela.....	.58	Venezuela.....	0,58
Yugoslavia.....	.71	Yougoslavie.....	0,71
Provision for new Members.....	2.00	Provision pour nouveaux membres.....	2,00
<i>Total</i>	100.00	<i>Total</i>	100,00

[DONE at Quebec, Canada, this sixteenth day of October, one thousand nine hundred and forty-five, in the English language, in a single copy which will be deposited in the archives of the Food and Agriculture Organization of the United Nations and of which authenticated copies will be transmitted by the Director-General to the governments of the nations enumerated in Annex I to this Constitution and of Members admitted to the Organization by the Conference in accordance with the provisions of Article 2.

IN WITNESS WHEREOF we have appended our signatures: For **Australia**: ALFRED STIRLING; for the **Kingdom of Belgium**: A. WAUTERS; for **Bolivia**: V. ANDRADE (Sujeto a ratificación de acuerdo a la Constitución); for **Brazil**: LOURIVAL FONTES; for **Canada**: JAMES G. GARDINER; for **China**: P. W. TSOU; for **Colombia**: (The Plenipotentiary of Colombia signs the present agreement *ad referendum*, subject to ratification in accordance with Colombian constitutional procedure.) GUILLERMO ELISEO SUÁREZ; for **Cuba**: ENRIQUE PEREZ-CISNEROS (Sujeto a aprobación por el Senado); for **Czechoslovakia**: FRANTISÈK PAVLÁSEK; for **Denmark**: HENRIK KAUFFMANN; for the **Dominican Republic**: MARIO E. DE MOYA; for **Ecuador**: L. N. PONCE (Sujeto a ratificación, de acuerdo con la Constitución Ecuatoriana); for **Egypt**: ANIS AZER; for **France**: TANGUYPRIGENT, ANDRÉ MAYER; for **Greece**: NICHOLAS G. LÉLY; for **Guatemala**: ENRIQUE LOPEZ-HERRARTE (*Ad Referendum*); for **Haiti**: E. BAKER; for **Honduras**: JULIÁN R. CÁCERES; for **Iceland**: THOR THORS; for **India**: G. S. BAJPAI; for **Iraq**: ALI JAWDAT; for **Liberia**: F. A. PRICE; for the **Grand Duchy of Luxembourg**: HUGUES LE GALLAIS; for **Mexico**: MANUEL J. ZEVADA (Subject to ratification in accordance with the Mexican Constitution); for the **Kingdom of the Netherlands**: S. L. MANSOLT; for **New Zealand**: DAVID WILSON; for **Nicaragua**: ALBERTO SEVILLA SACASA (*Ad Referendum*); for the **Kingdom of Norway**: ANDERS FJELSTAD; for **Panama**: J. E. HEURTEMATTE; for **Peru**: J. CHAVEZ (*Ad referendum*); for the **Philippine Commonwealth**: MAXIMO KALAW; for **Poland**: ST. MIKOLAJCZYK; for the **Union of South Africa**: P. R. VILJOEN; for the **United Kingdom of Great Britain and Northern Ireland**: (On signing the present constitution, I declare that the acceptance of the constitution by the government of the United Kingdom of Great Britain and Northern Ireland includes all colonies and overseas territories of His Majesty, and all territories under His Majesty's Protection, or in respect of which His

Majesty has accepted a mandate from the League of Nations which is being exercised by His Government in the United Kingdom.) ROGER MAKINS; for the **United States of America**: CLINTON P. ANDERSON; for **Uruguay**: (*Ad referendum de ratificación Legislativa de acuerdo a las disposiciones*) JUAN FELIPE YRIART; for **Venezuela**: (The Plenipotentiary of Venezuela signed the present agreement *ad referendum* and therefore it will not become effective with respect to Venezuela until ratified by the public powers of the nation in accordance with Venezuelan constitutional procedure.) M. A. FALCÓN-BRICEÑO.]

APPENDIX

ORIGINAL ARTICLE 5

(Superseded by an amendment adopted by the Third Session of the FAO Conference at Geneva, September 1947.)

THE EXECUTIVE COMMITTEE

1. The Conference shall appoint an Executive Committee consisting of not less than nine or more than fifteen members or alternate or associate members of the Conference or their advisers who are qualified by administrative experience or other special qualifications to contribute to the attainment of the purpose of the Organization. There shall be not more than one member from any Member nation. The tenure and other conditions of office of the members of the Executive Committee shall be subject to rules to be made by the Conference.

2. Subject to the provisions of paragraph 1 of this Article, the Conference shall have regard in appointing the Executive Committee to the desirability that its membership should reflect as varied as possible an experience of different types of economy in relation to food and agriculture.

3. The Conference may delegate to the Executive Committee such powers as it may determine, with the exception of the powers set forth in paragraph 2 of Article 2, Article 4, paragraph 1 of Article 7, Article 13, and Article 20 of this Constitution.

4. The members of the Executive Committee shall exercise the powers delegated to them by the Conference on behalf of the whole Conference and not as representatives of their respective governments.

5. The Executive Committee shall appoint its own officers and, subject to any decisions of the Conference, shall regulate its own procedure.

APPENDICE

TEXTE ORIGINAL DE L'ARTICLE 5

(Remplacé par celui de l'amendement adopté par la Conférence de la FAO lors de sa troisième session, à Genève, en septembre 1947.)

LE COMITÉ EXÉCUTIF

1. La Conférence nomme un Comité exécutif comprenant au moins neuf et au plus quinze membres, qui sont des délégués, ou des suppléants ou adjoints appartenant à la Conférence ou tels de leurs conseillers que leur expérience administrative ou toute autre compétence particulière qualifie pour aider à la poursuite des fins de l'Organisation. Il ne peut y avoir plus d'un membre de chaque Etat Membre. Le statut et la durée du mandat des membres du Comité exécutif sont déterminés par un règlement qui sera établi par la Conférence.

2. Sous réserve des stipulations du paragraphe 1 du présent Article, la Conférence doit, en nommant le Comité exécutif, tenir compte de ce qu'il est souhaitable que la composition du Comité reflète des aspects aussi variés que possible des différents types d'économie en matière d'alimentation et d'agriculture.

3. La Conférence peut déléguer au Comité exécutif tels pouvoirs qu'il juge bon, à l'exception des pouvoirs indiqués au paragraphe 2 de l'Article 2, à l'Article 4, au paragraphe 1 de l'Article 7, à l'Article 13 et à l'Article 20 du présent Acte constitutif.

4. Les membres du Comité exécutif exercent les pouvoirs qui leur sont conférés au nom de la Conférence et non pas en qualité de délégués de leurs gouvernements respectifs.

5. Le Comité exécutif nomme son bureau, et sous réserve des décisions de la Conférence, fixe sa propre procédure.

No. 664a

Agreement between the United Nations and the Food and Agriculture Organization. Initialed at New York, June 10, 1946.

Accord entre les Nations Unies et l'Organisation pour l'Alimentation et l'Agriculture. Paraphé à New-York, 10 juin 1946.

EDITOR'S NOTE. This Agreement was approved by the Conference of the Food and Agriculture Organization in September 1946 and by the General Assembly of the United Nations on December 14, 1946. A protocol concerning the entry into force of the Agreement was signed at New York, February 3, 1947. 1 *U.N. Treaty Series*, p. 207. A supplementary agreement concerning the use of the United Nations *laissez-passer* was signed on July 14 and 21, 1948. U.N. Doc. A/615.

Entered into force December 14, 1946.¹

Text supplied by the Secretariat of the United Nations.

Article 57 of the Charter of the United Nations provides that specialized agencies, established by inter-governmental agreement and having wide international responsibilities as defined in their basic instruments in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations.

Article 13 of the Constitution of the Food and Agriculture Organization of the United Nations provides that the Organization shall constitute a part of any general international organization to which may be entrusted the co-ordination of the activities of international organizations with specialized responsibilities.

Therefore, the United Nations and the Organization agree as follows:

ARTICLE I

The United Nations recognizes the Food and Agriculture Organization of the United Nations as a specialized agency and as being responsible for taking such action as may be appropriate under its basic instru-

L'Article 57 de la Charte des Nations Unies prévoit que les diverses institutions spécialisées, créées par accords intergouvernementaux et pourvues, aux termes de leurs statuts, d'attributions internationales étendues dans les domaines économique, social, de la culture intellectuelle et de l'éducation, de la santé publique et autres domaines connexes, seront reliées aux Nations Unies.

L'Article 13 de l'Acte constitutif de l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture prévoit que cette Organisation s'intégrera dans toute organisation internationale générale qui pourra être chargée de coordonner l'activité des organismes internationaux à compétences spéciales.

En conséquence, les Nations Unies et l'Organisation conviennent de ce qui suit:

ARTICLE I

L'Organisation des Nations Unies pour l'Alimentation et l'Agriculture est reconnue par les Nations Unies en tant qu'institution spécialisée compétente pour prendre toutes les mesures conformes aux termes de

¹ Filed with the Secretariat of the United Nations, under No. 10, February 3, 1947.

ment for the accomplishment of the purposes set forth therein.

ARTICLE 2.—*Reciprocal representation*

1. Representatives of the United Nations shall be invited to attend the meetings of the Conference of the Food and Agriculture Organization of the United Nations and its committees, the Executive Committee, and such general, regional or other special meetings as the Organization may convene, and to participate, without vote, in the deliberations of these bodies.

2. Representatives of the Food and Agriculture Organization of the United Nations shall be invited to attend meetings of the Economic and Social Council of the United Nations (hereinafter called the Council) and of its commissions and committees and to participate, without vote, in the deliberations of these bodies with respect to items on their agenda relating to matters within the scope of its activities.

3. Representatives of the Food and Agriculture Organization of the United Nations shall be invited to attend meetings of the General Assembly for purposes of consultation on matters within the scope of its activities.

4. Representatives of the Food and Agriculture Organization of the United Nations shall be invited to attend meetings of the main committees of the General Assembly when matters within the scope of its activities are under discussion and to participate, without vote, in such discussions.

5. Representatives of the Food and Agriculture Organization of the United Nations shall be invited to attend the meetings of the Trusteeship Council and to participate,

son Acte constitutif en vue d'atteindre les buts fixés par cet Acte.

ARTICLE 2.—*Représentation réciproque*

1. Des représentants des Nations Unies seront invités à assister aux réunions de la Conférence de l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture et de ses commissions ainsi qu'à celles du Comité exécutif, et de toutes les conférences générales, régionales ou spéciales convoquées par l'Organisation, et à participer, sans droit de vote, aux délibérations de ces organes.

2. Des représentants de l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture seront invités à assister aux réunions du Conseil économique et social des Nations Unies (désigné ci-dessous par le terme "Conseil"), de ses commissions et de ses comités et à participer, sans droit de vote, aux délibérations de ces organes, en ce qui concerne les questions figurant à leur ordre du jour et entrant dans le domaine de ses activités.

3. Des représentants de l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture seront invités à assister aux réunions de l'Assemblée générale des Nations Unies, pour y être consultés sur les questions entrant dans le domaine de ses activités.

4. Des représentants de l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture seront invités à assister aux réunions des Commissions principales de l'Assemblée générale lorsque des questions entrant dans le domaine de ses activités y seront discutées, et à participer, sans droit de vote, à ces discussions.

5. Des représentants de l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture seront invités à assister aux réunions du Conseil de tutelle des Nations Unies, et

without vote, in the deliberations thereof with respect to items on the agenda relating to matters within the scope of its activities.

6. Written statements of the Food and Agriculture Organization of the United Nations shall be distributed by the Secretariat of the United Nations to all Members of the General Assembly, the Council and its commissions, and the Trusteeship Council as appropriate.

ARTICLE 3.—*Proposal of agenda items*

Subject to such preliminary consultation as may be necessary, the Food and Agriculture Organization of the United Nations shall include on the agenda of the Conference or Executive Committee items proposed to it by the United Nations. Similarly, the Council and its commissions and the Trusteeship Council shall include on their agenda items proposed by the Conference or Executive Committee of the Organization.

ARTICLE 4.—*Recommendations of the United Nations*

1. The Food and Agriculture Organization of the United Nations, having regard to the obligation of the United Nations to promote the objectives set forth in Article 55 of the Charter and the function and power of the Council, under Article 62 of the Charter, to make or initiate studies and reports with respect to international, economic, social, cultural, educational, health and related matters and to make recommendations concerning these matters to the specialized agencies concerned, and having regard also to the responsibility of the United Nations, under Articles 58 and 63 of the Charter, to make recommendations for the co-ordination of the policies and ac-

à participer, sans droit de vote, aux délibérations de ces organes en ce qui concerne les questions figurant à son ordre du jour et entrant dans le domaine de ses activités.

6. Le Secrétariat des Nations Unies assurera la distribution de toute communication écrite de l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture, à tous les Membres de l'Assemblée générale, du Conseil et de ses commissions, et du Conseil de tutelle, selon le cas.

ARTICLE 3.—*Inscription de questions à l'ordre du jour*

Sous réserve des consultations préliminaires qui pourraient être nécessaires, l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture inscrira à l'ordre du jour de la Conférence ou du Comité exécutif les questions qui lui seront soumises par les Nations Unies. Réciproquement, le Conseil et ses commissions, ainsi que le Conseil de tutelle, inscriront à leur ordre du jour les questions soumises par la Conférence ou le Comité exécutif de l'Organisation.

ARTICLE 4.—*Recommandations des Nations Unies*

1. L'Organisation des Nations Unies pour l'Alimentation et l'Agriculture, eu égard à l'obligation des Nations Unies de favoriser la poursuite des objectifs prévus à l'Article 55 de la Charte, et aux fonctions et pouvoirs du Conseil, prévus à l'Article 62 de la Charte, de faire ou de provoquer des études et des rapports sur des questions internationales économiques, sociales, de la culture, de l'éducation et de la santé publique et autres domaines connexes, et d'adresser des recommandations sur toutes ces questions aux institutions spécialisées, et eu égard également à la mission des Nations Unies, aux termes des Articles 58 et 63 de la Charte, de faire des recommanda-

tivities of such specialized agencies, agrees to arrange for the submission, as soon as possible, to the appropriate organ of the Organization, of all formal recommendations which the United Nations may make to it.

2. The Food and Agriculture Organization of the United Nations agrees to enter into consultation with the United Nations upon request with respect to such recommendations, and in due course to report to the United Nations on the action taken by the Organization or by its members to give effect to such recommendations, or on the other results of their consideration.

3. The Food and Agriculture Organization of the United Nations affirms its intention of co-operating in whatever further measures may be necessary to make co-ordination of the activities of specialized agencies and those of the United Nations fully effective. In particular, it agrees to participate in and to co-operate with any body or bodies which the Council may establish for the purpose of facilitating such co-ordination and to furnish such information as may be required for the carrying out of this purpose.

ARTICLE 5.—*Exchange of information and documents*

1. Subject to such arrangements as may be necessary for the safeguarding of confidential material, the fullest and promptest exchange of information and documents shall be made between the United Nations and the Food and Agriculture Organization of the United Nations.

2. Without prejudice to the generality of the provisions of paragraph 1:

(a) the Food and Agriculture Organization of the United Nations

tions en vue de coordonner les programmes et activités des institutions spécialisées, convient de prendre toutes mesures en vue de soumettre, dans le plus bref délai, à son organe compétent, toute recommandation formelle que les Nations Unies pourront lui adresser.

2. L'Organisation des Nations Unies pour l'Alimentation et l'Agriculture procédera à des échanges de vues avec les Nations Unies, à leur demande, au sujet de ces recommandations et fera rapport, en temps opportun, aux Nations Unies sur les mesures prises par l'Organisation ou par ses membres en vue de donner effet à ces recommandations, ou sur tous autres résultats qui auraient suivi la prise en considération de ces recommandations.

3. L'Organisation des Nations Unies pour l'Alimentation et l'Agriculture affirme son intention de collaborer à toutes mesures nécessaires en vue d'assurer la coordination effective des activités des institutions spécialisées et des Nations Unies. Notamment, elle convient de participer à tout organe que le Conseil pourrait créer en vue de faciliter cette coordination, de coopérer avec ces organes et de fournir les informations qui pourraient être nécessaires dans l'accomplissement de cette tâche.

ARTICLE 5.—*Echange d'informations et de documents*

1. Sous réserve des mesures qui pourraient être nécessaires pour sauvegarder le caractère confidentiel de certains documents, les Nations Unies et l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture procéderont à l'échange le plus complet et le plus rapide d'informations et de documents.

2. Sans porter préjudice au caractère général des dispositions du paragraphe 1:

a) l'Organisation des Nations Unies pour l'Alimentation et l'Agric-

agrees to transmit to the United Nations regular reports on the activities of the Organization;

(b) the Food and Agriculture Organization of the United Nations agrees to comply to the fullest extent practicable with any request which the United Nations may make for the furnishing of special reports, studies or information, subject to the conditions set forth in article 15;

(c) the Secretary-General shall, upon request, consult with the Director-General regarding the provision to the Food and Agriculture Organization of the United Nations of such information as may be of special interest to the Organization.

ARTICLE 6.—*Assistance to the Security Council*

The Food and Agriculture Organization of the United Nations agrees to co-operate with the Economic and Social Council in furnishing such information and rendering such assistance to the Security Council as that Council may request, including assistance in carrying out decisions of the Security Council for the maintenance or restoration of international peace and security.

ARTICLE 7.—*Assistance to the Trusteeship Council*

The Food and Agriculture Organization of the United Nations agrees to co-operate with the Trusteeship Council in the carrying out of its functions and in particular agrees that it will, to the greatest extent possible, render such assistance as the Trusteeship Council may request in regard to matters with which the Organization is concerned.

ARTICLE 8.—*Non-self-governing territories*

The Food and Agriculture Organization of the United Nations agrees

culture convient de fournir aux Nations Unies des rapports réguliers sur ses activités;

b) l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture convient de donner suite, dans toute la mesure du possible, à toute demande de rapports spéciaux, d'études ou d'informations présentée par les Nations Unies, sous réserve des dispositions de l'article 15;

c) le Secrétaire général procédera avec le Directeur général, à la demande de celui-ci, à des échanges de vues afin de fournir à l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture les informations intéressant spécialement l'Organisation.

ARTICLE 6.—*Assistance au Conseil de sécurité*

L'Organisation des Nations Unies pour l'Alimentation et l'Agriculture convient de coopérer avec le Conseil économique et social en fournissant telles informations et telle assistance que le Conseil de sécurité pourrait demander, y compris l'assistance destinée à permettre l'application des décisions du Conseil de sécurité pour le maintien ou le rétablissement de la paix et de la sécurité internationales.

ARTICLE 7.—*Assistance au Conseil de tutelle*

L'Organisation des Nations Unies pour l'Alimentation et l'Agriculture convient de coopérer avec le Conseil de tutelle dans l'accomplissement de ses fonctions et, notamment, de fournir au Conseil de tutelle, dans toute la mesure du possible, telle assistance qu'il pourrait lui demander au sujet des questions intéressant l'Organisation.

ARTICLE 8.—*Territoires non autonomes*

L'Organisation des Nations Unies pour l'Alimentation et l'Agriculture

to co-operate with the United Nations in giving effect to the principles and obligations set forth in Chapter XI of the Charter with regard to matters affecting the well-being and development of the peoples of non-self-governing territories.

ARTICLE 9.—*Relations with the International Court of Justice*

1. The Food and Agriculture Organization of the United Nations agrees to furnish any information which may be requested by the International Court of Justice in pursuance of Article 34 of the Statute of the Court.

2. The General Assembly authorizes the Food and Agriculture Organization of the United Nations to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its activities other than questions concerning the mutual relationships of the Organization and the United Nations or other specialized agencies.

3. Such request may be addressed to the Court by the Conference or by the Executive Committee acting in pursuance of an authorization by the Conference.

4. When requesting the International Court of Justice to give an advisory opinion the Food and Agriculture Organization of the United Nations shall inform the Economic and Social Council of the request.

ARTICLE 10.—*Headquarters and regional offices*

1. The permanent headquarters of the Food and Agriculture Organization of the United Nations shall be situated at the permanent seat of the United Nations subject to:

(a) the permanent headquarters of the United Nations being situated at a place where the Food and Agriculture Organization of the United Nations can effectively and eco-

convient de coopérer avec les Nations Unies à la mise en œuvre des principes et obligations prévues au Chapitre XI de la Charte, en ce qui concerne les questions affectant le bien-être et le développement des peuples des territoires non autonomes.

ARTICLE 9.—*Relations avec la Cour internationale de Justice*

1. L'Organisation des Nations Unies pour l'Alimentation et l'Agriculture convient de fournir toutes informations qui lui seraient demandées par la Cour internationale de Justice, conformément à l'article 34 du Statut de la Cour.

2. L'Assemblée générale autorise l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture à demander des avis consultatifs à la Cour internationale de Justice sur des questions juridiques qui se poseraient dans le cadre de son activité, à l'exception de celles concernant les relations réciproques entre l'Organisation et les Nations Unies ou d'autres institutions spécialisées.

3. La requête peut être adressée à la Cour par la Conférence, ou par le Comité exécutif agissant en vertu d'une autorisation donnée par la Conférence.

4. Lorsqu'elle demande un avis consultatif à la Cour internationale de Justice, l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture en informe le Conseil économique et social.

ARTICLE 10.—*Siège et bureaux régionaux*

1. Le siège permanent de l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture sera situé au siège permanent des Nations Unies, sous réserve que:

a) le siège permanent des Nations Unies soit situé en un lieu où l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture puisse remplir ses obligations d'une manière

nomically discharge its duties and maintain effective liaison with those specialized agencies with which it is particularly concerned;

(b) satisfactory arrangements being made in a subsequent agreement between the Food and Agriculture Organization of the United Nations and the United Nations regarding the provision of a site and necessary facilities for the establishment of such headquarters.

The United Nations shall provide the Food and Agriculture Organization of the United Nations with appropriate assistance in the establishment of the permanent headquarters of the Organization at the permanent seat of the United Nations.

2. Any regional or branch offices which the Food and Agriculture Organization of the United Nations may establish shall, so far as practicable, be closely associated with such regional or branch offices as the United Nations may establish.

ARTICLE II.—*Personnel arrangements*

1. The United Nations and the Food and Agriculture Organization of the United Nations recognize that the eventual development of a single unified international civil service is desirable from the standpoint of effective administrative co-ordination, and with this end in view agree to develop common personnel standards, methods and arrangements designed to avoid serious discrepancies in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate interchange of personnel in order to obtain the maximum benefit from their services.

2. The United Nations and the Food and Agriculture Organization of the United Nations agree to co-operate to the fullest extent possible

efficace et économique et maintenir une liaison satisfaisante avec les institutions spécialisées intéressant particulièrement l'Organisation;

b) des arrangements satisfaisants soient faits en vertu d'un accord ultérieur qui serait conclu entre l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture et les Nations Unies au sujet de la fixation du siège et des dispositions nécessaires pour son établissement.

Les Nations Unies prêteront leur concours à l'Organisation dans l'établissement du siège permanent de l'Organisation au siège permanent des Nations Unies.

2. Dans la mesure du possible, les bureaux régionaux et locaux que l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture pourrait établir seront en rapports étroits avec les bureaux régionaux et locaux que les Nations Unies pourraient établir.

ARTICLE II.—*Arrangements concernant le personnel*

1. Les Nations Unies et l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture reconnaissent que le développement futur d'un service civil international unifié est souhaitable du point de vue d'une coordination administrative efficace, et, à cette fin, conviennent de concourir à l'établissement de règles communes concernant le personnel, les méthodes et les arrangements destinés tant à éviter de graves inégalités dans les termes et les conditions d'emploi, ainsi qu'une concurrence dans le recrutement du personnel qu'à faciliter l'échange de membres du personnel en vue de retirer le maximum d'avantages de leurs services.

2. Les Nations Unies et l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture conviennent de coopérer, dans la plus large mesure

in achieving these ends and in particular they agree to:

(a) consult together concerning the establishment of an International Civil Service Commission to advise on the means by which common standards of recruitment in the secretariats of the United Nations and of the specialized agencies may be ensured;

(b) consult together concerning other matters relating to the employment of their officers and staff, including conditions of service, duration of appointments, classification, salary scales and allowances, retirement and pension rights and staff regulations and rules with a view to securing as much uniformity in these matters as shall be found practicable;

(c) co-operate in the interchange of personnel when desirable on a temporary or permanent basis, making due provision for the retention of seniority and pension rights;

(d) co-operate in the establishment and operation of suitable machinery for the settlement of disputes arising in connexion with the employment of personnel and related matters.

ARTICLE 12.—*Statistical services*

1. The United Nations and the Food and Agriculture Organization of the United Nations agree to strive for maximum co-operation, the elimination of all undesirable duplication between them, and the most efficient use of their technical personnel in their respective collection, analysis, publication and dissemination of statistical information. They agree to combine their efforts to secure the greatest possible usefulness and utilization of statistical information and to minimize the burdens placed upon national governments and other organizations

possible, en vue d'atteindre ce but, et, notamment, elles conviennent:

a) de procéder à des échanges de vues au sujet de l'établissement d'une Commission de service civil international, chargée de donner des conseils sur les moyens permettant d'assurer des règles communes pour le recrutement du personnel des Secrétariats des Nations Unies et des institutions spécialisées;

b) de procéder à des échanges de vues au sujet des questions relatives à l'emploi des fonctionnaires et du personnel, y compris les conditions de service, la durée des nominations, les catégories du personnel, l'échelle des traitements et des indemnités, la retraite et les droits à pension, ainsi que les règles et les règlements du personnel, afin d'assurer autant d'uniformité qu'il sera possible dans ce domaine;

c) de coopérer par des échanges de personnel, lorsque cela sera souhaitable, sur une base, soit temporaire, soit permanente, en prenant soin de garantir le respect de l'ancienneté et les droits à pension;

d) de coopérer à l'établissement et à la mise en œuvre d'un mécanisme approprié pour le règlement des litiges concernant l'emploi du personnel et les questions s'y rattachant.

ARTICLE 12.—*Services de statistiques*

1. Les Nations Unies et l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture conviennent de réaliser une coopération aussi complète que possible afin d'éviter le double emploi superflu et d'utiliser avec la plus grande efficacité leur personnel technique dans leurs activités respectives concernant le rassemblement, l'analyse, la publication et la diffusion des informations statistiques. Les Nations Unies et l'Organisation conviennent de mettre leurs efforts en commun en vue d'assurer la plus grande utilité et le plus grand usage possibles

from which such information may be collected.

2. The Food and Agriculture Organization of the United Nations recognizes the United Nations as the central agency for the collection, analysis, publication, standardization and improvement of statistics serving the general purposes of international organizations.

3. The United Nations recognizes the Food and Agriculture Organization of the United Nations as the appropriate agency for the collection, analysis, publication, standardization and improvement of statistics within its special sphere, without prejudice to the right of the United Nations to concern itself with such statistics so far as they may be essential for its own purposes or for the improvement of statistics throughout the world.

4. The United Nations shall in consultation with the specialized agencies develop administrative instruments and procedures through which effective statistical co-operation may be secured between the United Nations and the agencies brought into relationship with it.

5. It is recognized as desirable that the collection of statistical information should not be duplicated by the United Nations or any of the specialized agencies whenever it is practicable for any of them to utilize information or materials which another may have available.

6. In order to build up a central collection of statistical information for general use, it is agreed that data supplied to the Food and Agriculture Organization of the United Nations for incorporation in its basic statistical series or special report should,

de leurs informations statistiques et de réduire au minimum les charges des Gouvernements nationaux et de toutes autres organisations auprès desquels de telles informations seront recueillies.

2. L'Organisation des Nations Unies pour l'Alimentation et l'Agriculture reconnaît que les Nations Unies constituent l'organisme central chargé de recueillir, analyser, publier, standardiser et faire progresser les statistiques servant aux buts généraux des organisations internationales.

3. L'Organisation des Nations Unies pour l'Alimentation et l'Agriculture est reconnue par les Nations Unies comme étant l'organisme approprié chargé de recueillir, analyser, publier, standardiser et faire progresser les statistiques dans son propre domaine, sans qu'il soit porté préjudice au droit des Nations Unies de s'intéresser à de telles statistiques pour autant qu'elles sont essentielles à la poursuite de leurs propres buts et au développement des statistiques à travers le monde.

4. Les Nations Unies établiront, en consultation avec les institutions spécialisées, les instruments administratifs et la procédure au moyen desquels pourra être assurée une coopération efficace concernant les statistiques entre les Nations Unies et les institutions qui leur sont reliées.

5. Il est reconnu souhaitable que le rassemblement des informations statistiques ne soit pas fait simultanément par les Nations Unies et par toute institution spécialisée chaque fois qu'il est possible d'utiliser les informations et la documentation qu'une autre institution peut fournir.

6. Afin d'établir un centre de rassemblement des informations statistiques destinées à un usage général, il est reconnu que les données fournies à l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture pour insertion dans ses séries

so far as practicable, be made available to the United Nations.

ARTICLE 13.—*Administrative and technical services*

1. The United Nations and the Food and Agriculture Organization of the United Nations recognize the desirability, in the interest of administrative and technical uniformity and of the most efficient use of personnel and resources, of avoiding, whenever possible, the establishment and operation of competitive or overlapping facilities and services among the United Nations and the specialized agencies.

2. Accordingly, the United Nations and the Food and Agriculture Organization of the United Nations agree to consult together concerning the establishment and use of common administrative and technical services and facilities in addition to those referred to in articles 11, 12 and 14, in so far as the establishment and use of such services may from time to time be found practicable and appropriate.

3. Arrangements shall be made between the United Nations and the Food and Agriculture Organization of the United Nations in regard to the registration and deposit of official documents.

ARTICLE 14.—*Budgetary and financial arrangements*

1. The Food and Agriculture Organization of the United Nations recognizes the desirability of establishing close budgetary and financial relationships with the United Nations in order that the administrative operations of the United Nations and of the specialized agencies shall be carried out in the most efficient and economical manner possible, and that the maximum measure of coordination and uniformity with respect to these operations shall be secured.

statistiques de base et ses rapports spéciaux seront, dans la mesure du possible, mises à la disposition des Nations Unies.

ARTICLE 13.—*Services administratifs et techniques*

1. Les Nations Unies et l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture reconnaissent que, afin d'unifier les méthodes administratives et techniques et de faire le meilleur usage possible du personnel et des ressources, il est souhaitable d'éviter, au sein des Nations Unies et des institutions spécialisées, la création de services qui se fassent concurrence ou qui fassent double emploi.

2. En conséquence, les Nations Unies et l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture conviennent de procéder à des échanges de vues dans le but d'établir des services administratifs et techniques communs, en plus de ceux qui sont mentionnés aux articles 11, 12, 14, sauf à réviser périodiquement l'opportunité du maintien de tels services.

3. Les Nations Unies et l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture prendront toutes dispositions convenables concernant l'enregistrement et le dépôt des documents officiels.

ARTICLE 14.—*Arrangements budgétaires et financiers*

1. L'Organisation des Nations Unies pour l'Alimentation et l'Agriculture reconnaît qu'il serait souhaitable que d'étroites relations budgétaires et financières s'établissent avec les Nations Unies afin que les travaux administratifs des Nations Unies et des institutions spécialisées soient menés à bien de la manière la plus efficace et la plus économique possible et que le maximum de coordination et d'uniformité dans ces travaux soit assuré.

2. The United Nations and the Food and Agriculture Organization of the United Nations agree to cooperate to the fullest extent possible in achieving these ends and, in particular, shall consult together concerning appropriate arrangements for the inclusion of the budget of the Organization within a general budget of the United Nations. Such arrangements shall be defined in a supplementary agreement between the two organizations.

3. Pending the conclusion of such agreement, the following arrangements shall govern budgetary and financial relationships between the Food and Agriculture Organization of the United Nations and the United Nations:

(a) The Secretary-General and the Director-General shall arrange for consultation in connexion with the preparation of the budget of the Food and Agriculture Organization of the United Nations.

(b) The Food and Agriculture Organization of the United Nations agrees to transmit its proposed budget to the United Nations annually at the same time as such budget is transmitted to its members. The General Assembly shall examine the budget or proposed budget of the Organization and may make such recommendations as it may consider necessary.

(c) Representatives of the Food and Agriculture Organization of the United Nations shall be entitled to participate, without vote, in the deliberations of the General Assembly or any committee thereof at all times when the budget of the Food and Agriculture Organization of the United Nations or general administrative or financial questions affecting the Organization are under consideration.

(d) The United Nations may undertake the collection of contributions from those members of the

2. Les Nations Unies et l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture conviennent de coopérer dans toute la mesure du possible pour atteindre ces objectifs, notamment de procéder à des échanges de vues afin de conclure les arrangements appropriés pour l'insertion du budget de l'Organisation dans un budget général des Nations Unies. Ces arrangements seront définis dans un accord complémentaire entre les deux Organisations.

3. En attendant la conclusion de cet accord, les dispositions suivantes régleront les relations budgétaires et financières entre les Nations Unies et l'Organisation:

a) Le Secrétaire général et le Directeur général procéderont à des échanges de vues au sujet de la préparation du budget de l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture.

b) L'Organisation des Nations Unies pour l'Alimentation et l'Agriculture convient de communiquer annuellement aux Nations Unies son projet de budget en même temps qu'elle le communique à ses membres. L'Assemblée générale examinera le budget ou le projet de budget de l'Organisation et pourra faire à l'Organisation les recommandations qu'elle jugera nécessaires.

c) Les représentants de l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture ont le droit de participer, sans droit de vote, aux délibérations de l'Assemblée ou de toute commission de celle-ci, en tout temps où sont examinés le budget de l'Organisation ou des questions générales administratives ou financières intéressant l'Organisation.

d) Les Nations Unies pourront entreprendre le recouvrement des contributions des membres de l'Or-

Food and Agriculture Organization of the United Nations which are also Members of the United Nations in accordance with such arrangements as may be defined by a later agreement between the United Nations and the Organization.

(e) The United Nations shall, upon its own initiative or upon the request of the Food and Agriculture Organization of the United Nations, arrange for studies to be undertaken concerning other financial and fiscal questions of interest to the Organization and to other specialized agencies with a view to the provision of common services and the securing of uniformity in such matters.

(f) The Food and Agriculture Organization of the United Nations agrees to conform, as far as may be practicable, to standard practices and forms recommended by the United Nations.

ARTICLE 15.—*Financing of special services*

1. In the event of the Food and Agriculture Organization of the United Nations being faced with the necessity of incurring substantial extra expense as a result of any request which the United Nations may make for special reports, studies or assistance in accordance with articles 5, 6, 7, or with other provisions of this agreement, consultation shall take place with a view to determining the most equitable manner in which such expense shall be borne.

2. Consultation between the United Nations and the Food and Agriculture Organization of the United Nations shall similarly take place with a view to making such arrangements as may be found equitable for covering the cost of central administrative, technical or fiscal services or facilities or other special assistance provided by the United Nations.

organisation des Nations Unies pour l'Alimentation et l'Agriculture qui sont également Membres des Nations Unies, conformément aux arrangements qui seront définis, s'il y a lieu, dans un accord ultérieur entre les Nations Unies et l'Organisation.

e) Les Nations Unies prendront, de leur propre initiative ou sur requête de l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture, des dispositions pour faire des études sur les questions financières et fiscales intéressant l'Organisation et les autres institutions spécialisées, en vue d'établir des services communs et d'assurer l'uniformité dans ces domaines.

f) L'Organisation des Nations Unies pour l'Alimentation et l'Agriculture convient de se conformer, dans la mesure du possible, aux pratiques et aux règles uniformes recommandées par les Nations Unies.

ARTICLE 15.—*Financement des services spéciaux*

1. Dans le cas où l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture aurait à faire face à des dépenses supplémentaires importantes rendues nécessaires, par suite d'une demande de rapports, d'études ou d'assistance spéciale présentée par les Nations Unies, aux termes des articles 5, 6, 7 ou de toute autre disposition du présent Accord, l'Organisation et les Nations Unies procéderont à des échanges de vues afin de déterminer la façon la plus équitable de faire face à ces dépenses.

2. De même, les Nations Unies et l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture procéderont à des échanges de vues afin de prendre les dispositions équitables pour couvrir les frais des services centraux administratifs, techniques ou fiscaux ou de toute autre assistance fournie par les Nations Unies.

ARTICLE 16.—*Inter-agency agreements*

The Food and Agriculture Organization of the United Nations agrees to inform the Council of the nature and scope of any formal agreement between the Organization and any other specialized agency, inter-governmental organization or non-governmental organization and in particular agrees to inform the Council before any such agreement is concluded.

ARTICLE 17.—*Liaison*

1. The United Nations and the Food and Agriculture Organization of the United Nations agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective liaison between the two organizations. They affirm their intention of taking whatever further measure may be necessary to make this liaison fully effective.

2. The liaison arrangements provided for in the foregoing articles of this agreement shall apply as far as appropriate to the relations between such branch or regional offices as may be established by the two organizations as well as between their central machinery.

ARTICLE 18.—*Implementation of the agreement*

The Secretary-General and the Director-General may enter into such supplementary arrangements for the implementation of this agreement as may be found desirable in the light of the operating experience of the two organizations.

ARTICLE 19.—*Revision*

This agreement shall be subject to revision by agreement between the United Nations and the Food and Agriculture Organization of the United Nations.

ARTICLE 16.—*Accords entre institutions*

L'Organisation des Nations Unies pour l'Alimentation et l'Agriculture convient d'informer le Conseil de la nature et de la portée de tout accord formel qu'elle conclurait avec toute autre institution spécialisée ou organisation intergouvernementale ou non gouvernementale et, notamment, de l'informer avant de conclure de tels accords.

ARTICLE 17.—*Liaison*

1. Les Nations Unies et l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture conviennent des dispositions précédentes dans l'espoir qu'elles contribueront à assurer une liaison efficace entre les deux organisations. Elles affirment leur intention de prendre toutes les mesures qui pourront être nécessaires pour rendre cette liaison vraiment efficace.

2. Les dispositions relatives aux liaisons prévues aux articles précédents du présent Accord s'appliqueront, dans la mesure du possible, tant aux relations entre les bureaux régionaux et locaux que les deux Organisations pourront établir, qu'aux relations entre leurs administrations centrales.

ARTICLE 18.—*Exécution de l'Accord*

Le Secrétaire général et le Directeur général peuvent conclure des arrangements complémentaires en vue d'appliquer le présent Accord qui peuvent paraître souhaitables à la lumière de l'expérience des deux Organisations.

ARTICLE 19.—*Révision*

Le présent Accord sera sujet à révision par entente entre les Nations Unies et l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture.

ARTICLE 20.—*Entry into force*

This agreement shall come into force on its approval by the General Assembly of the United Nations and the Conference of the Food and Agriculture Organization of the United Nations.

ARTICLE 20.—*Entrée en vigueur*

Le présent Accord entrera en vigueur dès qu'il aura été approuvé par l'Assemblée générale des Nations Unies et la Conférence de l'Organisation des Nations Unies pour l'Alimentation et l'Agriculture.

No. 665

INSTRUMENT for the Amendment of the Constitution of the International Labor Organization. Adopted at Paris, November 5, 1945.

INSTRUMENT pour l'amendement de la Constitution de l'Organisation internationale du Travail. Adopté à Paris, 5 novembre 1945.

EDITOR'S NOTE. This Instrument, which revised the ILO Constitution of June 28, 1919, as amended in 1922 and 1945 (Nos. 2 and 2a, *ante*), was adopted in order to separate the International Labor Organization from the League of Nations and to enable it to become a specialized agency of the United Nations. A further revision of the ILO Constitution was effected by the instrument adopted at Montreal, October 9, 1946 (No. 665a, *post*). An agreement between the ILO and the United Nations of May 30, 1946, was brought into force on December 14, 1946 (No. 665b, *post*).

RATIFICATIONS. On June 1, 1948, ratifications of this Instrument had been communicated to the Director of the International Labor Office by Afghanistan, Australia, Belgium, Bolivia, Brazil, Canada, China, Colombia, Costa Rica, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, Finland, France, Great Britain, Greece, Guatemala, Haiti, Hungary, Iceland, India, Iran, Iraq, Ireland, Italy, Luxemburg, Mexico, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, South Africa, Sweden, Switzerland, Thailand, Turkey, and Venezuela.

BIBLIOGRAPHY. The text of this Instrument is also published in 28 ILO, *Official Bulletin* (1945), p. 1; 2 U. N. *Treaty Series*, p. 17; *British Treaty Series*, No. 20 (1946), Cmd. 6880, Canada, *Treaty Series*, 1946, No. 28. See also International Labour Conference, Twenty-Seventh Session, *Record of Proceedings*, pp. 233, 262-63, 379-400, 470-73, 28 ILO, *Official Bulletin* (1945), pp. 57-87; 98 Switzerland, *Bundesblatt* (1946), I, pp. 253-72.

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(1946), pp. 9-12; W. G. Rice, "The Revision of an International Constitution: The New Era for the International Labor Organization," *Wisconsin Law Review*, 1947, pp. 514-45; F. Yllanes Ramos and E. Prieto Lopez, *La vigésima séptima reunión de la Conferencia internacional del Trabajo* (Mexico, 1946), pp. 29-36, 93-127.

Entered into force September 26, 1946.¹

Text supplied by the International Labor Office.

The General Conference of the International Labour Organisation,

Having been convened at Paris by the Governing Body of the International Labour Office, and having met in its Twenty-seventh Session on 15 October 1945; and

Having decided upon the adoption without delay of a limited number of amendments to the Constitution of the International Labour Organisation designed to deal with problems of immediate urgency, which are included in the fourth item on the agenda of the Session, adopts this fifth day of November of the year 1945, the following instrument embodying amendments to the Constitution of the International Labour Organisation, which may be cited as the Constitution of the International Labour Organisation Instrument of Amendment, 1945:

Article 1. In the final paragraph of the Preamble to the Constitution of the Organisation, the words "Constitution of the International Labour Organisation", shall be inserted after the word "following".

Art. 2. The following paragraphs shall be substituted for the present paragraph 2 of Article 1 of the Constitution of the Organisation:

2. The Members of the International Labour Organisation shall be the States which were Members of the Organisation on 1 November 1945, and such other States as may become Members in pursuance of the provisions of paragraphs 3 and 4 of this Article.

La Conférence générale de l'Organisation internationale du Travail,

Convquée à Paris par le Conseil d'administration du Bureau international du Travail, et s'étant réunie en sa vingt-septième session le 15 octobre 1945;

Après avoir décidé d'adopter sans délai un nombre réduit d'amendements à la Constitution de l'Organisation internationale du Travail, relatifs à certains problèmes d'urgence immédiate compris dans le point quatre de l'Ordre du jour de la session, adopte, ce cinquième jour de novembre 1945, l'instrument ci-après, renfermant des amendements à la Constitution de l'Organisation internationale du Travail, instrument qui sera dénommé Instrument d'amendement à la Constitution de l'Organisation internationale du Travail, 1945:

Article 1. Au dernier paragraphe du Préambule de la Constitution de l'Organisation, les mots "ont convenu ce qui suit" sont remplacés par les mots "approuvent la présente Constitution de l'Organisation internationale du Travail".

Art. 2. Le texte actuel du paragraphe 2 de l'article premier de la Constitution de l'Organisation est remplacé par les paragraphes suivants:

2. Les Membres de l'Organisation internationale du Travail seront les Etats qui étaient Membres de l'Organisation au premier novembre 1945 et tous autres Etats qui deviendraient Membres conformément aux dispositions des paragraphes 3 et 4 du présent article.

¹ Registered with the Secretariat of the United Nations, No. 18, April 25, 1947.

3. Any original Member of the United Nations and any State admitted to membership of the United Nations by a decision of the General Assembly in accordance with the provisions of the Charter may become a Member of the International Labour Organisation by communicating to the Director of the International Labour Office its formal acceptance of the obligations of the Constitution of the International Labour Organisation.

4. The General Conference of the International Labour Organisation may also admit Members to the Organisation by a vote concurred in by two-thirds of the delegates attending the Session, including two-thirds of the Government delegates present and voting. Such admission shall take effect on the communication to the Director of the International Labour Office by the Government of the new Member of its formal acceptance of the obligations of the Constitution of the Organisation.

5. No Member of the International Labour Organisation may withdraw from the Organisation without giving notice of its intention so to do to the Director of the International Labour Office. Such notice shall take effect two years after the date of its reception by the Director, subject to the Member having at that time fulfilled all financial obligations arising out of its membership. When a Member has ratified any International Labour Convention, such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto.

6. In the event of any State having ceased to be a Member of the Organisation, its re-admission to membership shall be governed by the provisions of paragraph 3 or paragraph 4 of this Article as the case may be.

3. Tout Membre originaire des Nations Unies et tout Etat admis en qualité de Membre des Nations Unies par décision de l'Assemblée générale conformément aux dispositions de la Charte peut devenir Membre de l'Organisation internationale du Travail en communiquant au Directeur du Bureau international du Travail son acceptation formelle des obligations découlant de la Constitution de l'Organisation internationale du Travail.

4. La Conférence générale de l'Organisation internationale du Travail peut également admettre des Membres dans l'Organisation à la majorité des deux tiers des délégués présents à la session, y compris les deux tiers des délégués gouvernementaux présents et votants. Cette admission deviendra effective lorsque le gouvernement du nouveau Membre aura communiqué au Directeur du Bureau international du Travail son acceptation formelle des obligations découlant de la Constitution de l'Organisation.

5. Aucun Membre de l'Organisation internationale du Travail ne pourra s'en retirer sans avoir donné préavis de son intention au Directeur du Bureau international du Travail. Ce préavis portera effet deux ans après la date de sa réception par le Directeur, sous réserve que le Membre ait à cette date rempli toutes les obligations financières résultant de sa qualité de Membre. Lorsqu'un Membre aura ratifié une convention internationale du travail, ce retrait n'affectera pas la validité, pour la période prévue par la convention, des obligations résultant de la convention ou y relatives.

6. Au cas où un Etat aurait cessé d'être Membre de l'Organisation, sa réadmission en qualité de Membre sera régie par les dispositions des paragraphes 3 ou 4 du présent article.

Art. 3. The following shall be substituted for the present text of Article 13 of the Constitution of the Organisation:

1. The International Labour Organisation may make such financial and budgetary arrangements with the United Nations as may appear appropriate.

2. Pending the conclusion of such arrangements or if at any time no such arrangements are in force:

(a) each of the Members will pay the travelling and subsistence expenses of its Delegates and their advisers and of its Representatives attending the meetings of the Conference or the Governing Body, as the case may be;

(b) all the other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid by the Director of the International Labour Office out of the general funds of the International Labour Organisation;

(c) the arrangements for the approval, allocation and collection of the budget of the International Labour Organisation shall be determined by the Conference by a two-thirds majority of the votes cast by the delegates present, and shall provide for the approval of the budget and of the arrangements for the allocation of expenses among the Members of the Organisation by a committee of Government representatives.

3. The expenses of the International Labour Organisation shall be borne by the Members in accordance with the arrangements in force in virtue of paragraph 1 or paragraph 2 (c) of this Article.

4. A Member of the Organisation which is in arrears in the payment of its financial contribution to the Organisation shall have no vote in the

Art. 3. Le texte actuel de l'article 13 de la Constitution de l'Organisation est remplacé par ce qui suit:

1. L'Organisation internationale du Travail peut conclure avec les Nations Unies tels arrangements financiers et budgétaires qui paraîtraient appropriés.

2. En attendant la conclusion de tels arrangements, ou si, à un moment quelconque, il n'en est pas qui soient en vigueur:

a) chacun des Membres paiera les frais de voyage et de séjour de ses délégués et de leurs conseillers techniques, ainsi que de ses représentants prenant part aux sessions de la Conférence et du Conseil d'administration selon les cas;

b) tous autres frais du Bureau international du Travail, des sessions de la Conférence ou de celles du Conseil d'administration seront payés par le Directeur du Bureau international du Travail sur le budget général de l'Organisation internationale du Travail;

c) les dispositions relatives à l'approbation du budget de l'Organisation internationale du Travail, ainsi qu'à l'assiette et au recouvrement des contributions, seront arrêtées par la Conférence à la majorité des deux tiers des suffrages émis par les délégués présents et stipuleront que le budget et les arrangements concernant la répartition des dépenses entre les Membres de l'Organisation seront approuvés par une commission de représentants gouvernementaux.

3. Les frais de l'Organisation internationale du Travail seront à la charge des Membres, conformément aux arrangements en vigueur en vertu du paragraphe 1^{er} ou du paragraphe 2 du présent article.

4. Un Membre de l'Organisation en retard dans le paiement de sa contribution aux dépenses de l'Organisation ne peut participer au vote

Conference, in the Governing Body, in any Committee, or in the elections of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Conference may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

5. The Director of the International Labour Office shall be responsible to the Governing Body for the proper expenditure of the funds of the International Labour Organisation.

Art. 4. The following shall be substituted for the present text of Article 36 of the Constitution of the Organisation:

Amendments to this Constitution which are adopted by the Conference by a majority of two-thirds of the votes cast by the delegates present shall take effect when ratified or accepted by two-thirds of the Members of the Organisation including five of the eight Members which are represented on the Governing Body as Members of chief industrial importance in accordance with the provisions of paragraph 3 of Article 7 of this Constitution.

Art. 5. Three copies of this instrument of amendment shall be authenticated by the signature of the President of the Conference and of the Director of the International Labour Office. Of these copies one shall be deposited in the archives of the International Labour Office, one with the Secretary-General of the League of Nations, and one with the Secretary-General of the United Nations. The Director will communicate a certified copy of the instrument to each of the Members of the International Labour Organisation.

à la Conférence, au Conseil d'administration ou à toute Commission, ou aux élections de membres du Conseil d'administration, si le montant de ses arriérés est égal ou supérieur à la contribution due par lui pour les deux années complètes écoulées. La Conférence peut néanmoins autoriser ce Membre à participer au vote si elle constate que le manquement est dû à des circonstances indépendantes de sa volonté.

5. Le Directeur du Bureau international du Travail est responsable vis-à-vis du Conseil d'administration pour l'emploi des fonds de l'Organisation internationale du Travail.

Art. 4. Le texte actuel de l'article 36 de la Constitution de l'Organisation est remplacé par le texte suivant:

Les amendements à la présente Constitution adoptés par la Conférence à la majorité des deux tiers des suffrages émis par les délégués présents entreront en vigueur lorsqu'ils auront été ratifiés ou acceptés par les deux tiers des Membres de l'Organisation comprenant cinq des huit Membres représentés au Conseil d'administration en qualité de Membres ayant l'importance industrielle la plus considérable, conformément aux dispositions du paragraphe 3 de l'article 7 de la présente Constitution.

Art. 5. Trois exemplaires authentiques du présent instrument d'amendement seront signés par le Président de la Conférence et par le Directeur du Bureau international du Travail. Un de ces exemplaires sera déposé aux archives du Bureau international du Travail, un autre entre les mains du Secrétaire général de la Société des Nations et un autre entre les mains du Secrétaire général des Nations Unies. Le Directeur communiquera une copie certifiée conforme de cet instrument à chacun des Membres de l'Organisation internationale du Travail.

Art. 6.—1. The formal ratifications or acceptances of this instrument of amendment shall be communicated to the Director of the International Labour Office, who shall notify the Members of the Organisation of the receipt thereof.

2. This instrument of amendment will come into force in accordance with the existing provisions of Article 36 of the Constitution of the International Labour Organisation. If the Council of the League of Nations should cease to exist before this instrument has come into force, it shall come into force on ratification or acceptance by three-quarters of the Members of the Organisation.

3. On the coming into force of this instrument, the amendments set forth herein shall take effect as amendments to the Constitution of the International Labour Organisation.

4. On the coming into force of this instrument the Director of the International Labour Office shall so notify all the Members of the International Labour Organisation, the Secretary-General of the United Nations, and all the States having signed the Charter of the United Nations.

The foregoing is the authentic text of the Constitution of the International Labour Organisation Instrument of Amendment, 1945, duly adopted by the General Conference of the International Labour Organisation on the fifth day of November 1945 in the course of its Twenty-seventh Session which was held at Paris.

The English and French versions of the text of this instrument of amendment are equally authoritative.

IN FAITH WHEREOF we have appended our signatures this seventh day of November 1945.

Art. 6.—1. Les ratifications ou acceptations formelles du présent instrument d'amendement seront communiquées au Directeur du Bureau international du Travail qui en informera les Membres de l'Organisation.

2. Le présent instrument d'amendement entrera en vigueur dans les conditions prévues à l'article 36 du texte actuel de la Constitution de l'Organisation internationale du Travail. Si le Conseil de la Société des Nations venait à disparaître avant que cet instrument ne soit entré en vigueur, il entrera en vigueur dès sa ratification ou acceptation par trois quarts des Membres de l'Organisation.

3. Dès l'entrée en vigueur du présent instrument, les amendements qui y figurent, deviendront effectifs en tant qu'amendements à la Constitution de l'Organisation internationale du Travail.

4. Dès l'entrée en vigueur du présent instrument, le Directeur du Bureau international du Travail en informera tous les Membres de l'Organisation internationale du Travail, le Secrétaire général des Nations Unies et tous les Etats qui ont signé la Charte des Nations Unies.

Le texte qui précède est le texte authentique de l'instrument d'amendement à la Constitution de l'Organisation internationale du Travail, 1945, dûment adopté par la Conférence générale de l'Organisation internationale du Travail le 5 novembre 1945, au cours de sa vingt-septième session, qui s'est tenue à Paris.

Les versions française et anglaise du texte du présent instrument d'amendement font également foi.

EN FOI DE QUOI ont apposé leurs signatures, ce septième jour de novembre 1945.

The President of the Conference, A. PARODI.

The Acting Director of the International Labour Office, EDWARD J. PHELAN.

No. 665a

Instrument for the Amendment of the Constitution of the International Labor Organization. Adopted at Montreal, October 9, 1946.

Instrument d'amendement à la Constitution de l'Organisation internationale du Travail. Adopté à Montréal, 9 octobre 1946.

EDITOR'S NOTE. This Instrument effects a revision of the Constitution of the International Labor Organization of June 28, 1919, as amended in 1922 and 1945 (Nos. 2, 2a, and 665, *ante*). This revision was prepared by a special Conference Delegation on Constitutional Questions; for its main report of August 12, 1946, see International Labour Conference, Twenty-Ninth Session, Report II (1), 197 pp.

RATIFICATIONS. On January 5, 1949, ratifications or acceptances of this Instrument had been communicated to the Director-General of the International Labor Office by Afghanistan, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Canada, Ceylon, China, Colombia, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Great Britain, Greece, Guatemala, Haiti, Iceland, India, Iran, Iraq, Ireland, Italy, Lebanon, Luxemburg, Mexico, Netherlands, New Zealand, Norway, Pakistan, Philippines, Poland, Portugal, South Africa, Sweden, Switzerland, Syria, Thailand, Turkey, United States of America, and Venezuela. In addition, the following states were members of the Organization: Albania, Argentina, Bulgaria, Chile, Costa Rica, Cuba, Czechoslovakia, Egypt, Hungary, Israel, Liberia, Panama, Peru, Uruguay, and Yugoslavia. On July 7, 1947, Yugoslavia gave notice of its intention to withdraw from the Organization.

BIBLIOGRAPHY. The text of this Instrument and of the annexed new constitution is also published in 15 *U.N. Treaty Series*, p. 35; *British Treaty Series*, No. 47 (1948), Cmd. 7452; Canada, *Treaty Series*, 1946, No. 48; 29 ILO, *Official Bulletin* (1946), p. 203. See also International Labour Conference, Twenty-Ninth Session, *Record of Proceedings*, pp. 199-217, 238-39, 351-418, 545-96; U.S. House of Representatives, 80th Congress, 1st Session, Report 1057; 99 Switzerland, *Bundesblatt* (1947), I, pp. 665-723, 1161-97.

Anon., "The Twenty-Ninth Session of the International Labor Organization," 63 *Monthly Labor Review* (1946), pp. 935-40; Anon., "The Twenty-Ninth Session of the International Labour Conference," 55 *Int. Labour Review* (1947), pp. 1-45; Anon., "Twenty-Ninth Session of the International Labor Conference," 15 *U.S. Department of State Bulletin* (1946), pp. 1034-39; C. W. Jenks, "The Revision of the Constitution of the International Labour Organisation," 23 *British Year Book of International Law* (1946), pp. 303-17; C. Parry, "The International Labour Organisation," 24 *idem* (1947), pp. 429-46; W. G. Rice, "The Revision of an International Constitution: The New Era for the International Labor Organization," *Wisconsin Law Review*, 1947, pp. 514-45; B. Wiesman, "Proposals for Amendment of ILO Constitution," 14 *U.S. Department of State Bulletin* (1946), pp. 1028-34, 1052.

Entered into force April 20, 1948.¹

Text supplied by the International Labor Office.

The General Conference of the International Labour Organisation,
Having been convened at Montreal by the Governing Body of the

La Conférence générale de l'Organisation internationale du Travail,
Convoquée à Montréal par le Conseil d'administration du Bureau in-

¹ Registered with the Secretariat of the United Nations, No. 229, May 21, 1948.

International Labour Office, and having met in its Twenty-ninth Session on 19 September 1946; and

Having decided upon the adoption of certain amendments to the Constitution of the International Labour Organisation, a question which is included in the second item on the agenda of the Session,

adopts, this ninth day of October of the year one thousand nine hundred and forty-six, the following instrument for the amendment of the Constitution of the International Labour Organisation, which may be cited as the Constitution of the International Labour Organisation Instrument of Amendment, 1946:

Article 1. As from the date of the coming into force of this Instrument of Amendment, the Constitution of the International Labour Organisation, of which the text at present in force is set forth in the first column of the Annex to this Instrument, shall have effect as amended in the second column of the said Annex.

Art. 2. Two copies of this Instrument of Amendment shall be authenticated by the signatures of the President of the Conference and of the Director-General of the International Labour Office. One of these copies shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. The Director-General will communicate a certified copy of the Instrument to all the Members of the International Labour Organisation.

Art. 3.—1. The formal ratifications or acceptances of this Instrument of Amendment shall be communicated to the Director-General of the International Labour Office, who shall notify the Members of the Organisation of the receipt thereof.

international du Travail, et s'y étant réunie, le 19 septembre 1946, en sa vingt-neuvième session,

Après avoir décidé d'adopter certaines propositions d'amendement à la Constitution de l'Organisation internationale du Travail, question qui est comprise dans le deuxième point à l'ordre du jour de la session,

adopte, ce neuvième jour d'octobre mil neuf cent quarante-six, l'instrument ci-après pour l'amendement à la Constitution de l'Organisation internationale du Travail, instrument qui sera dénommé Instrument d'amendement à la Constitution de l'Organisation internationale du Travail, 1946:

Article 1. A partir de la date de l'entrée en vigueur du présent instrument d'amendement, la Constitution de l'Organisation internationale du Travail, dont le texte actuellement en vigueur est reproduit dans la première colonne de l'annexe au présent instrument, aura effet dans la forme amendée qui figure à la deuxième colonne de ladite annexe.

Art. 2. Deux exemplaires authentiques du présent instrument d'amendement seront signés par le Président de la Conférence et par le Directeur général du Bureau international du Travail. L'un de ces exemplaires sera déposé aux archives du Bureau international du Travail, et l'autre entre les mains du Secrétaire général des Nations Unies aux fins d'enregistrement conformément aux termes de l'article 102 de la Charte des Nations Unies. Le Directeur général communiquera une copie certifiée conforme de cet instrument à chacun des Membres de l'Organisation internationale du Travail.

Art. 3.—1. Les ratifications ou acceptations formelles du présent instrument d'amendement seront communiquées au Directeur général du Bureau international du Travail, qui en informera les Membres de l'Organisation.

2. This Instrument of Amendment will come into force in accordance with the provisions of Article 36 of the Constitution of the Organisation.

3. On the coming into force of this Instrument, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation, the Secretary-General of the United Nations, and all the States having signed the Charter of the United Nations.

2. Le présent instrument d'amendement entrera en vigueur dans les conditions prévues à l'article 36 de la Constitution de l'Organisation internationale du Travail.

3. Dès l'entrée en vigueur du présent instrument, le Directeur général du Bureau international du Travail en informera tous les Membres de l'Organisation internationale du Travail, le Secrétaire général des Nations Unies et tous les Etats signataires de la Charte des Nations Unies.

ANNEX¹

The Constitution of the International Labour Organisation

Amended Text

PREAMBLE

Whereas universal and lasting peace can be established only if it is based upon social justice;

And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required: as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, *recognition of the principle of equal remuneration for work of equal value*, recognition of the principle of freedom of association, the organisation of vocational and technical education and other measures;

Whereas also the failure of any nation to adopt humane conditions of labour is

ANNEXE

Constitution de l'Organisation internationale du Travail

Texte amendé

PRÉAMBULE

Attendu qu'une paix universelle et durable ne peut être fondée que sur la base de la justice sociale;

Attendu qu'il existe des conditions de travail impliquant pour un grand nombre de personnes l'injustice, la misère et les privations, ce qui engendre un tel mécontentement que la paix et l'harmonie universelles sont mises en danger, et attendu qu'il est urgent d'améliorer ces conditions: par exemple, en ce qui concerne la réglementation des heures de travail, la fixation d'une durée maximum de la journée et de la semaine de travail, le recrutement de la main-d'œuvre, la lutte contre le chômage, la garantie d'un salaire assurant des conditions d'existence convenables, la protection des travailleurs contre les maladies générales ou professionnelles et les accidents résultant du travail, la protection des enfants, des adolescents et des femmes, les pensions de vieillesse et d'invalidité, la défense des intérêts des travailleurs occupés à l'étranger, *l'affirmation du principe "à travail égal, salaire égal"*, l'affirmation du principe de la liberté syndicale, l'organisation de l'enseignement professionnel et technique et autres mesures analogues;

Attendu que la non-adoption par une nation quelconque d'un régime de travail

¹ The "Text in force on 9 October 1946" is omitted. Amendments effected are printed in italics.—ED.

an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The High Contracting Parties, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, *and with a view to attaining the objectives set forth in this Preamble*, agree to the following Constitution of the International Labour Organisation:

CHAPTER I—ORGANISATION

Article 1.—1. A permanent organisation is hereby established for the promotion of the objects set forth in the *Preamble to this Constitution and in the Declaration concerning the aims and purposes of the International Labour Organisation adopted at Philadelphia on 10 May 1944 the text of which is annexed to this Constitution.*

2. The Members of the International Labour Organisation shall be the States which were Members of the Organisation on 1 November 1945, and such other States as may become Members in pursuance of the provisions of paragraphs 3 and 4 of this Article.

3. Any original Member of the United Nations and any State admitted to membership of the United Nations by a decision of the General Assembly in accordance with the provisions of the Charter may become a Member of the International Labour Organisation by communicating to the *Director-General* of the International Labour Office its formal acceptance of the obligations of the Constitution of the International Labour Organisation.

4. The General Conference of the International Labour Organisation may also admit Members to the Organisation by a vote concurred in by two thirds of the delegates attending the session, including two thirds of the Government delegates present and voting. Such admission shall take effect on the communication to the *Director-General* of the International Labour Office by the Government of the new Member of its formal acceptance of the obligations of the Constitution of the Organisation.

5. No Member of the International Labour Organisation may withdraw from

réellement humain fait obstacle aux efforts des autres nations désireuses d'améliorer le sort des travailleurs dans leurs propres pays;

Les Hautes Parties Contractantes, mues par des sentiments de justice et d'humanité aussi bien que par le désir d'assurer une paix mondiale durable, *et en vue d'atteindre les buts énoncés dans ce préambule*, approuvent la présente Constitution de l'Organisation internationale du Travail:

CHAPITRE I—ORGANISATION

Article 1.—1. Il est fondé une organisation permanente chargée de travailler à la réalisation du programme exposé dans le préambule de la *présente Constitution et dans la Déclaration concernant les buts et objectifs de l'Organisation internationale du Travail qui a été adoptée à Philadelphie le 10 mai 1944 et dont le texte figure en annexe à la présente Constitution.*

2. Les Membres de l'Organisation internationale du Travail seront les Etats qui étaient Membres de l'Organisation au 1^{er} novembre 1945 et tous autres Etats qui deviendraient Membres conformément aux dispositions des paragraphes 3 et 4 du présent article.

3. Tout Membre originaire des Nations Unies et tout Etat admis en qualité de Membre des Nations Unies par décision de l'Assemblée générale conformément aux dispositions de la Charte peut devenir Membre de l'Organisation internationale du Travail en communiquant au *Directeur général* du Bureau international du Travail son acceptation formelle des obligations découlant de la Constitution de l'Organisation internationale du Travail.

4. La Conférence générale de l'Organisation internationale du Travail peut également admettre des Membres dans l'Organisation à la majorité des deux tiers des délégués présents à la session, y compris les deux tiers des délégués gouvernementaux présents et votants. Cette admission deviendra effective lorsque le gouvernement du nouveau Membre aura communiqué au *Directeur général* du Bureau international du Travail son acceptation formelle des obligations découlant de la Constitution de l'Organisation.

5. Aucun Membre de l'Organisation internationale du Travail ne pourra s'en

the Organisation without giving notice of its intention so to do to the *Director-General* of the International Labour Office. Such notice shall take effect two years after the date of its reception by the *Director-General*, subject to the Member having at that time fulfilled all financial obligations arising out of its membership. When a Member has ratified any International Labour Convention, such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto.

6. In the event of any State having ceased to be a Member of the Organisation, its readmission to membership shall be governed by the provisions of paragraph 3 or paragraph 4 of this Article as the case may be.

Art. 2. The permanent organisation shall consist of:

(a) a General Conference of representatives of the Members;

(b) a *Governing Body composed as described in Article 7; and*

(c) an International Labour Office controlled by the Governing Body.

Art. 3.—1. The meetings of the General Conference of representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four representatives of each of the Members, of whom two shall be Government delegates and the two others shall be delegates representing respectively the employers and the workpeople of each of the Members.

2. Each delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

3. *Each Member which is responsible for the international relations of non-metropolitan territories may appoint as additional advisers to each of its delegates:*

(a) *persons nominated by it as representatives of any such territory in regard to matters within the self-governing powers of that territory; and*

retirer sans avoir donné préavis de son intention au *Directeur général* du Bureau international du Travail. Ce préavis portera effet deux ans après la date de sa réception par le *Directeur général*, sous réserve que le Membre ait à cette date rempli toutes les obligations financières résultant de sa qualité de Membre. Lorsqu'un Membre aura ratifié une convention internationale du travail, ce retrait n'affectera pas la validité, pour la période prévue par la convention, des obligations résultant de la convention ou y relatives.

6. Au cas où un Etat aurait cessé d'être Membre de l'Organisation, sa réadmission en qualité de Membre sera régie par les dispositions des paragraphes 3 ou 4 du présent article.

Art. 2. L'Organisation permanente comprendra:

a) une Conférence générale des représentants des Membres;

b) *un Conseil d'administration composé comme il est dit à l'article 7;*

c) un Bureau international du Travail sous la direction du Conseil d'administration.

Art. 3.—1. La Conférence générale des représentants des Membres tiendra des sessions chaque fois que besoin sera et, au moins, une fois par an. Elle sera composée de quatre représentants de chacun des Membres, dont deux seront les délégués du gouvernement et dont les deux autres représenteront respectivement, d'une part, les employeurs, d'autre part, les travailleurs ressortissant à chacun des Membres.

2. Chaque délégué pourra être accompagné par des conseillers techniques dont le nombre pourra être de deux au plus pour chacune des matières distinctes inscrites à l'ordre du jour de la session. Quand des questions intéressant spécialement des femmes doivent venir en discussion à la Conférence, une au moins parmi les personnes désignées comme conseillers techniques devra être une femme.

3. *Tout Membre responsable des relations internationales de territoires non métropolitains pourra désigner comme conseillers techniques supplémentaires pour accompagner chacun de ses délégués:*

a) *des personnes désignées par lui comme représentants d'un tel territoire pour certaines questions entrant dans le cadre de la compétence propre des autorités dudit territoire;*

(b) *persons nominated by it to advise its delegates in regard to matters concerning non-self-governing territories.*

4. *In the case of a territory under the joint authority of two or more Members, persons may be nominated to advise the delegates of such Members.*

5. The Members undertake to nominate non-Government delegates and advisers chosen in agreement with the industrial organisations, if such organisations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

6. Advisers shall not speak except on a request made by the delegate whom they accompany and by the special authorisation of the President of the Conference, and may not vote.

7. A delegate may by notice in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

8. The names of the delegates and their advisers will be communicated to the International Labour Office by the Government of each of the Members.

9. The credentials of delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two thirds of the votes cast by the delegates present, refuse to admit any delegate or adviser whom it deems not to have been nominated in accordance with this Article.

Art. 4.—1. Every delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.

2. If one of the Members fails to nominate one of the non-Government delegates whom it is entitled to nominate, the other non-Government delegate shall be allowed to sit and speak at the Conference, but not to vote.

3. If in accordance with Article 3 the Conference refuses admission to a delegate of one of the Members, the provisions of the present Article shall apply as if that delegate had not been nominated.

b) *des personnes désignées par lui pour assister ses délégués au sujet des questions intéressant des territoires qui ne se gouvernent pas eux-mêmes.*

4. *S'il s'agit d'un territoire placé sous l'autorité conjointe de deux ou plusieurs Membres, des personnes pourront être désignées pour assister les délégués de ces Membres.*

5. Les Membres s'engagent à désigner les délégués et conseillers techniques non gouvernementaux d'accord avec les organisations professionnelles les plus représentatives soit des employeurs, soit des travailleurs du pays considéré, sous la réserve que de telles organisations existent.

6. Les conseillers techniques ne seront autorisés à prendre la parole que sur la demande faite par le délégué auquel ils sont adjoints et avec l'autorisation spéciale du Président de la Conférence; ils ne pourront prendre part aux votes.

7. Un délégué peut, par une note écrite adressée au Président, désigner l'un de ses conseillers techniques comme son suppléant, et ledit suppléant, en cette qualité, pourra prendre part aux délibérations et aux votes.

8. Les noms des délégués et de leurs conseillers techniques seront communiqués au Bureau international du Travail par le gouvernement de chacun des Membres.

9. Les pouvoirs des délégués et de leurs conseillers techniques seront soumis à la vérification de la Conférence, laquelle pourra, par une majorité des deux tiers des suffrages exprimés par les délégués présents, refuser d'admettre tout délégué ou tout conseiller technique qu'elle ne jugera pas avoir été désigné conformément aux termes du présent article.

Art. 4.—1. Chaque délégué aura le droit de voter individuellement sur toutes les questions soumises aux délibérations de la Conférence.

2. Dans le cas où l'un des Membres n'aurait pas désigné l'un des délégués non gouvernementaux auquel il a droit, l'autre délégué non gouvernemental aura le droit de prendre part aux discussions de la Conférence, mais n'aura pas le droit de voter.

3. Au cas où la Conférence, en vertu des pouvoirs que lui confère l'article 3, refuserait d'admettre l'un des délégués d'un des Membres, les stipulations du présent article seront appliquées comme si ledit délégué n'avait pas été désigné.

Art. 5. The meetings of the Conference shall, *subject to any decisions which may have been taken by the Conference itself at a previous meeting, be held at such place as may be decided by the Governing Body.*

Art. 6. *Any change in the seat of the International Labour Office shall be decided by the Conference by a two-thirds majority of the votes cast by the delegates present.*

Art. 7.—1. *The Governing Body shall consist of thirty-two persons:*

Sixteen representing Governments,
Eight representing the employers, and
Eight representing the workers.

2. Of the sixteen persons representing Governments, eight shall be appointed by the Members of chief industrial importance, and eight shall be appointed by the Members selected for that purpose by the Government delegates to the Conference, excluding the delegates of the eight Members mentioned above. Of the sixteen Members represented, six shall be non-European States.

3. *The Governing Body shall as occasion requires determine which are the Members of the Organisation of chief industrial importance and shall make rules to ensure that all questions relating to the selection of the Members of chief industrial importance are considered by an impartial committee before being decided by the Governing Body. Any appeal made by a Member from the declaration of the Governing Body as to which are the Members of chief industrial importance shall be decided by the Conference, but an appeal to the Conference shall not suspend the application of the declaration until such time as the Conference decides the appeal.*

4. The persons representing the employers and the persons representing the workers shall be elected respectively by the employers' delegates and the workers' delegates to the Conference. Two employers' representatives and two workers' representatives shall belong to non-European States.

5. The period of office of the Governing Body shall be three years. *If for any reason the Governing Body elections do not take place on the expiry of this period, the*

Art. 5. Les sessions de la Conférence se tiendront, *sous réserve de toute décision qu'aurait pu prendre la Conférence elle-même au cours d'une session antérieure, au lieu fixé par le Conseil d'administration.*

Art. 6. *Tout changement du siège du Bureau international du Travail sera décidé par la Conférence à la majorité des deux tiers des suffrages exprimés par les délégués présents.*

Art. 7.—1. *Le Conseil d'administration sera composé de trente-deux personnes:*

Seize représentant les gouvernements,
Huit représentant les employeurs et
Huit représentant les travailleurs.

2. Sur les seize personnes représentant les gouvernements, huit seront nommées par les Membres dont l'importance industrielle est la plus considérable et huit seront nommées par les Membres désignés à cet effet par les délégués gouvernementaux à la Conférence, exclusion faite des délégués des huit Membres susmentionnés. Sur les seize Membres représentés, six devront être des Etats extra-européens.

3. *Le Conseil d'administration déterminera, chaque fois qu'il y aura lieu, quels sont les Membres ayant l'importance industrielle la plus considérable et établira des règles en vue d'assurer l'examen, par un comité impartial, de toutes questions relatives à la désignation des Membres ayant l'importance industrielle la plus considérable avant que le Conseil d'administration ne prenne une décision à cet égard. Tout appel formé par un Membre contre la déclaration du Conseil d'administration arrêtant quels sont les Membres ayant l'importance industrielle la plus considérable sera tranché par la Conférence, mais un appel interjeté devant la Conférence ne suspendra pas l'application de la déclaration tant que la Conférence ne se sera pas prononcée.*

4. Les personnes représentant les employeurs et les personnes représentant les travailleurs seront élues respectivement par les délégués des employeurs et les délégués des travailleurs à la Conférence. Deux représentants des employeurs et deux représentants des travailleurs devront appartenir à des Etats extra-européens.

5. Le Conseil sera renouvelé tous les trois ans. *Si pour une raison quelconque, les élections au Conseil d'administration n'ont pas lieu à l'expiration de cette période,*

Governing Body shall remain in office until such elections are held.

6. The method of filling vacancies and of appointing substitutes and other similar questions may be decided by the Governing Body subject to the approval of the Conference.

7. The Governing Body shall, from time to time, *elect from its number a Chairman and two Vice-Chairmen, of whom one shall be a person representing a Government, one a person representing the employers, and one a person representing the workers.*

8. The Governing Body shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least twelve of the representatives on the Governing Body.

Art. 8.—1. There shall be a *Director-General* of the International Labour Office, who shall be appointed by the Governing Body, and, subject to the instructions of the Governing Body, shall be responsible for the efficient conduct of the International Labour Office and for such other duties as may be assigned to him.

2. The *Director-General* or his deputy shall attend all meetings of the Governing Body.

Art. 9.—1. The staff of the International Labour Office shall be appointed by the *Director-General* under regulations approved by the Governing Body.

2. So far as is possible with due regard to the efficiency of the work of the Office, the *Director-General* shall select persons of different nationalities.

3. A certain number of these persons shall be women.

4. *The responsibilities of the Director-General and the staff shall be exclusively international in character. In the performance of their duties, the Director-General and the staff shall not seek or receive instructions from any Government or from any other authority external to the Organisation. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organisation.*

5. *Each Member of the Organisation undertakes to respect the exclusively international character of the responsibilities of the*

le Conseil d'administration restera en fonction jusqu'à ce qu'il soit procédé à ces élections.

6. La manière de pourvoir aux sièges vacants, la désignation des suppléants et les autres questions de même nature pourront être réglées par le Conseil sous réserve de l'approbation de la Conférence.

7. Le Conseil d'administration élira dans son sein un président et deux vice-présidents. Parmi ces trois personnes l'une sera une personne représentant un gouvernement, et les deux autres seront respectivement des personnes représentant les employeurs et les travailleurs.

8. Le Conseil d'administration établira son règlement et se réunira aux époques qu'il fixera lui-même. Une session spéciale devra être tenue chaque fois que douze personnes faisant partie du Conseil auront formulé une demande écrite à cet effet.

Art. 8.—1. Un *Directeur général* sera placé à la tête du Bureau international du Travail; il sera désigné par le Conseil d'administration de qui il recevra ses instructions et vis-à-vis de qui il sera responsable de la bonne marche du Bureau ainsi que de l'exécution de toutes autres tâches qui auront pu lui être confiées.

2. Le *Directeur général* ou son suppléant assisteront à toutes les séances du Conseil d'administration.

Art. 9.—1. Le personnel du Bureau international du Travail sera choisi par le *Directeur général* conformément aux règles approuvées par le Conseil d'administration.

2. Le choix fait par le *Directeur général* devra porter, dans toute la mesure compatible avec le souci d'obtenir le meilleur rendement, sur des personnes de différentes nationalités.

3. Un certain nombre de ces personnes devront être des femmes.

4. *Les fonctions du Directeur général et du personnel auront un caractère exclusivement international. Dans l'accomplissement de leurs devoirs, le Directeur général et le personnel ne sollicitent n'y n'accepteront d'instructions d'aucun gouvernement ni d'aucune autorité extérieure à l'Organisation. Ils s'abstiendront de tout acte incompatible avec leur situation de fonctionnaires internationaux qui ne sont responsables qu'envers l'Organisation.*

5. Chaque Membre de l'Organisation s'engage à respecter le caractère exclusivement international des fonctions du Direc-

Director-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Art. 10.—1. The functions of the International Labour Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international Conventions, and the conduct of such special investigations as may be ordered by the Conference or by the Governing Body.

2. *Subject to such directions as the Governing Body may give, the Office will—*

(a) *prepare the documents on the various items of the agenda for the meetings of the Conference;*

(b) *accord to Governments at their request all appropriate assistance within its power in connection with the framing of laws and regulations on the basis of the decisions of the Conference and the improvement of administrative practices and systems of inspection;*

(c) *carry out the duties required of it by the provisions of this Constitution in connection with the effective observance of Conventions;*

(d) *edit and issue, in such languages as the Governing Body may think desirable, publications dealing with problems of industry and employment of international interest.*

3. Generally, it shall have such other powers and duties as may be assigned to it by the Conference or by the Governing Body.

Art. 11. The Government departments of any of the Members which deal with questions of industry and employment may communicate directly with the Director-General through the representative of their Government on the Governing Body of the International Labour Office or, failing any such representative, through such other qualified official as the Government may nominate for the purpose.

Art. 12.—1. *The International Labour Organisation shall co-operate within the terms of this Constitution with any general international organisation entrusted with the co-ordination of the activities of public*

leur général et du personnel et à ne pas chercher à les influencer dans l'exécution de leur tâche.

Art. 10.—1. Les fonctions du Bureau international du Travail comprendront la centralisation et la distribution de toutes informations concernant la réglementation internationale de la condition des travailleurs et du régime du travail et, en particulier, l'étude des questions qu'il est proposé de soumettre aux discussions de la Conférence en vue de la conclusion des conventions internationales, ainsi que l'exécution de toutes enquêtes spéciales prescrites par la Conférence ou par le Conseil d'administration.

2. *Sous réserve des directives que pourrait lui donner le Conseil d'administration, le Bureau:*

a) *préparera la documentation sur les divers points à l'ordre du jour des sessions de la Conférence;*

b) *fournira aux gouvernements, sur leur demande et dans la mesure de ses moyens, toute aide appropriée pour l'élaboration de la législation sur la base des décisions de la Conférence, ainsi que pour l'amélioration de la pratique administrative et des systèmes d'inspection;*

c) *s'acquittera, en conformité des stipulations de la présente Constitution, des devoirs qui lui incombent en ce qui concerne l'observation effective des conventions;*

d) *rédigera et fera paraître dans telles langues que le Conseil d'administration jugera appropriées des publications traitant des questions concernant l'industrie et le travail qui présentent un intérêt international.*

3. D'une manière générale, il aura tous autres pouvoirs et fonctions que la Conférence ou le Conseil d'administration jugeront à propos de lui attribuer.

Art. 11. Les ministères des Membres qui s'occupent des questions ouvrières pourront communiquer directement avec le Directeur général par l'intermédiaire du représentant de leur gouvernement au Conseil d'administration du Bureau international du Travail, ou, à défaut de ce représentant, par l'intermédiaire de tel autre fonctionnaire dûment qualifié et désigné à cet effet par le gouvernement intéressé.

Art. 12.—1. *L'Organisation internationale du Travail collaborera, dans le cadre de la présente Constitution, avec toute organisation internationale générale chargée de coordonner les activités d'organisations de*

international organisations having specialised responsibilities and with public international organisations having specialised responsibilities in related fields.

2. *The International Labour Organisation may make appropriate arrangements for the representatives of public international organisations to participate without vote in its deliberations.*

3. *The International Labour Organisation may make suitable arrangements for such consultation as it may think desirable with recognised non-governmental international organisations, including international organisations of employers, workers, agriculturists and co-operators.*

Art. 13.—1. The International Labour Organisation may make such financial and budgetary arrangements with the United Nations as may appear appropriate.

2. Pending the conclusion of such arrangements or if at any time no such arrangements are in force—

(a) each of the Members will pay the travelling and subsistence expenses of its delegates and their advisers and of its representatives attending the meetings of the Conference or the Governing Body, as the case may be;

(b) all other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid by the *Director-General* of the International Labour Office out of the general funds of the International Labour Organisation;

(c) the arrangements for the approval, allocation and collection of the budget of the International Labour Organisation shall be determined by the Conference by a two-thirds majority of the votes cast by the delegates present, and shall provide for the approval of the budget and of the arrangements for the allocation of expenses among the Members of the Organisation by a committee of Government representatives.

3. The expenses of the International Labour Organisation shall be borne by the Members in accordance with the arrangements in force in virtue of paragraph 1 or paragraph 2 (c) of this Article.

4. A Member of the Organisation which is in arrears in the payment of its finan-

droit international public ayant des tâches spécialisées et avec les organisations de droit international public ayant des tâches spécialisées dans des domaines connexes.

2. *L'Organisation internationale du Travail pourra prendre des dispositions appropriées pour que les représentants des organisations de droit international public participent, sans droit de vote, à ses délibérations.*

3. *L'Organisation internationale du Travail pourra prendre toutes dispositions utiles pour consulter, selon qu'il lui paraîtra désirable, des organisations internationales non gouvernementales reconnues, y compris des organisations internationales d'employeurs, de travailleurs, d'agriculteurs et de coopérateurs.*

Art. 13.—1. L'Organisation internationale du Travail peut conclure avec les Nations Unies tels arrangements financiers et budgétaires qui paraîtraient appropriés.

2. En attendant la conclusion de tels arrangements, ou si, à un moment quelconque, il n'en est pas qui soient en vigueur:

a) chacun des Membres paiera les frais de voyage et de séjour de ses délégués et de leurs conseillers techniques, ainsi que de ses représentants prenant part aux sessions de la Conférence et du Conseil d'administration selon les cas;

b) tous autres frais du Bureau international du Travail, des sessions de la Conférence ou de celles du Conseil d'administration seront payés par le *Directeur général* du Bureau international du Travail sur le budget général de l'Organisation internationale du Travail;

c) les dispositions relatives à l'approbation du budget de l'Organisation internationale du Travail, ainsi qu'à l'assiette et au recouvrement des contributions, seront arrêtées par la Conférence à la majorité des deux tiers des suffrages émis par les délégués présents et stipuleront que le budget et les arrangements concernant la répartition des dépenses entre les Membres de l'Organisation seront approuvés par une commission de représentants gouvernementaux.

3. Les frais de l'Organisation internationale du Travail seront à la charge des Membres, conformément aux arrangements en vigueur en vertu du paragraphe 1 ou du paragraphe 2, c) du présent article.

4. Un Membre de l'Organisation en retard dans le paiement de sa contribution

cial contribution to the Organisation shall have no vote in the Conference, in the Governing Body, in any committee, or in the elections of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years: *Provided that* the Conference may by a two-thirds majority of the votes cast by the delegates present permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

5. The *Director-General* of the International Labour Office shall be responsible to the Governing Body for the proper expenditure of the funds of the International Labour Organisation.

CHAPTER II—PROCEDURE

Art. 14.—1. The agenda for all meetings of the Conference will be settled by the Governing Body, *which* shall consider any suggestion as to the agenda that may be made by the Government of any of the Members or by any representative organisation recognised for the purpose of Article 3, or by any public international organisation.

2. *The Governing Body shall make rules to ensure thorough technical preparation and adequate consultation of the Members primarily concerned, by means of a preparatory Conference or otherwise, prior to the adoption of a Convention or Recommendation by the Conference.*

Art. 15.—1. The *Director-General* shall act as the *Secretary-General* of the Conference, and shall transmit the agenda so as to reach the Members four months before the meeting of the Conference, and, through them, the non-Government delegates when appointed.

2. *The reports on each item of the agenda shall be despatched so as to reach the Members in time to permit adequate consideration before the meeting of the Conference. The Governing Body shall make rules for the application of this provision.*

Art. 16.—1. Any of the Governments of the Members may formally object to the inclusion of any item or items in the agenda. The grounds for such objection

aux dépenses de l'Organisation ne peut participer au vote à la Conférence, au Conseil d'administration ou à toute commission, ou aux élections de membres du Conseil d'administration; si le montant de ses arriérés est égal ou supérieur à la contribution due par lui pour les deux années complètes écoulées. La Conférence peut néanmoins par un vote à la majorité des deux tiers des suffrages émis par les délégués présents autoriser ce Membre à participer au vote si elle constate que le manquement est dû à des circonstances indépendantes de sa volonté.

5. Le *Directeur général* du Bureau international du Travail est responsable vis-à-vis du Conseil d'administration pour l'emploi des fonds de l'Organisation internationale du Travail.

CHAPITRE II—FONCTIONNEMENT

Art. 14.—1. Le Conseil d'administration établira l'ordre du jour des sessions de la Conférence après avoir examiné toutes propositions faites par le gouvernement d'un des Membres, par tout organisation représentative visée à l'article 3, ou par toute organisation de droit international public, au sujet des matières à inscrire à cet ordre du jour.

2. *Le Conseil d'administration établira des règles pour assurer une sérieuse préparation technique et une consultation appropriée des Membres principalement intéressés, par une conférence préparatoire technique ou par tout autre moyen, avant l'adoption d'une convention ou d'une recommandation par la Conférence.*

Art. 15.—1. Le *Directeur général* remplira les fonctions de *Secrétaire général* de la Conférence, et devra faire parvenir l'ordre du jour de chaque session, quatre mois avant l'ouverture de cette session, à chacun des Membres, et, par l'intermédiaire de ceux-ci, aux délégués non gouvernementaux, lorsque ces derniers auront été désignés.

2. *Les rapports sur chacun des points à l'ordre du jour seront transmis de façon à atteindre les Membres à temps pour leur permettre de procéder à un examen approprié de ces rapports avant la Conférence. Le Conseil d'administration formulera les règles faisant porter effet à cette disposition.*

Art. 16.—1. Chacun des gouvernements des Membres aura le droit de contester l'inscription, à l'ordre du jour de la session, de l'un ou plusieurs des sujets

shall be set forth in a statement addressed to the *Director-General* who shall circulate it to all the Members of the Organisation.

2. Items to which such objection has been made shall not, however, be excluded from the agenda, if at the Conference a majority of two thirds of the votes cast by the delegates present is in favour of considering them.

3. If the Conference decides (otherwise than under the preceding paragraph) by two thirds of the votes cast by the delegates present that any subject shall be considered by the Conference, that subject shall be included in the agenda for the following meeting.

Art. 17.—1. *The Conference shall elect a President and three Vice-Presidents. One of the Vice-Presidents shall be a Government delegate, one an employers' delegate and one a workers' delegate. The Conference shall regulate its own procedure and may appoint committees to consider and report on any matter.*

2. Except as otherwise expressly provided in this *Constitution* or by the terms of any *Convention* or other instrument conferring powers on the Conference or of the financial and budgetary arrangements adopted in virtue of Article 13, all matters shall be decided by a simple majority of the votes cast by the delegates present.

3. The voting is void unless the total number of votes cast is equal to half the number of the delegates attending the Conference.

Art. 18. The Conference may add to any committees which it appoints technical experts without power to vote.

Art. 19.—1. When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals should take the form: (a) of an *international Convention*, or (b) of a *Recommendation to meet circumstances where the subject, or aspect of it, dealt with is not considered suitable or appropriate at that time for a Convention*.

2. In either case a majority of two thirds of the votes cast by the delegates present shall be necessary on the final vote

prévu. Les motifs justifiant cette opposition devront être exposés dans un mémoire adressé au *Directeur général*, lequel devra le communiquer aux Membres de l'Organisation.

2. Les sujets auxquels il aura été fait opposition resteront néanmoins inclus à l'ordre du jour si la Conférence en décide ainsi à la majorité des deux tiers des suffrages exprimés par les délégués présents.

3. Toute question au sujet de laquelle la Conférence décide, à la même majorité des deux tiers, qu'elle doit être examinée (autrement que prévu dans l'alinéa précédent) sera portée à l'ordre du jour de la session suivante.

Art. 17.—1. *La Conférence élira un président et trois vice-présidents. Les trois vice-présidents seront respectivement un délégué gouvernemental, un délégué des employeurs et un délégué des travailleurs. La Conférence formulera les règles de son fonctionnement; elle pourra nommer des commissions chargées de présenter des rapports sur toutes questions qu'elle estimera devoir mettre à l'étude.*

2. La simple majorité des suffrages exprimés par les membres présents de la Conférence décidera dans tous les cas où une majorité plus forte n'est pas spécialement prévue par d'autres articles de la présente *Constitution* ou par toute convention ou autre instrument conférant des pouvoirs à la Conférence ou par les arrangements financiers ou budgétaires adoptés en vertu de l'article 13.

3. Aucun vote n'est acquis si le nombre des suffrages exprimés est inférieur à la moitié du nombre des délégués présents à la session.

Art. 18. La Conférence pourra adjoindre aux commissions qu'elle constitue des conseillers techniques qui n'auront pas voix délibérative.

Art. 19.—1. Si la Conférence se prononce pour l'adoption de propositions relatives à un objet à l'ordre du jour, elle aura à déterminer si ces propositions devront prendre la forme: a) d'une *convention internationale*; b) ou bien d'une *recommandation*, lorsque l'objet traité ou un de ses aspects ne se prête pas à l'adoption immédiate d'une convention.

2. Dans les deux cas, pour qu'une convention ou qu'une recommandation soient adoptées au vote final par la Conférence,

for the adoption of the *Convention or Recommendation*, as the case may be, by the Conference.

3. In framing any *Convention or Recommendation* of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organisation, or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

4. *Two copies of the Convention or Recommendation shall be authenticated by the signatures of the President of the Conference and of the Director-General. Of these copies one shall be deposited in the archives of the International Labour Office and the other with the Secretary-General of the United Nations. The Director-General will communicate a certified copy of the Convention or Recommendation to each of the Members.*

5. *In the case of a Convention—*

(a) *the Convention will be communicated to all Members for ratification;*

(b) *each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the Convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action;*

(c) *Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this Article to bring the Convention before the said competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them;*

(d) *if the Member obtains the consent of the authority or authorities within whose competence the matter lies, it will communicate the formal ratification of the Convention to the Director-General and will take such action as may be necessary to make effective the provisions of such Convention;*

une majorité des deux tiers des voix des délégués présents est requise.

3. En formant une *convention ou une recommandation* d'une application générale, la Conférence devra avoir égard aux pays dans lesquels le climat, le développement incomplet de l'organisation industrielle ou d'autres circonstances particulières rendent les conditions de l'industrie essentiellement différentes, et elle aura à suggérer telles modifications qu'elle considérerait comme pouvant être nécessaires pour répondre aux conditions propres à ces pays.

4. *Deux exemplaires de la convention ou de la recommandation seront signés par le Président de la Conférence et par le Directeur général. L'un de ces exemplaires sera déposé aux archives du Bureau international du Travail et l'autre entre les mains du Secrétaire général des Nations Unies. Le Directeur général communiquera une copie certifiée conforme de la convention ou de la recommandation à chacun des Membres.*

5. *S'il s'agit d'une convention:*

a) *la convention sera communiquée à tous les Membres en vue de sa ratification par ceux-ci;*

b) *chacun des Membres s'engage à soumettre dans le délai d'un an à partir de la clôture de la session de la Conférence (ou, si par suite de circonstances exceptionnelles, il est impossible de procéder dans un délai d'un an, dès qu'il sera possible, mais jamais plus de dix-huit mois après la clôture de la session de la Conférence), la convention à l'autorité ou aux autorités dans la compétence desquelles rentre la matière, en vue de la transformer en loi ou de prendre des mesures d'un autre ordre,*

c) *les Membres informeront le Directeur général du Bureau international du Travail des mesures prises, en vertu du présent article, pour soumettre la convention à l'autorité ou aux autorités compétentes, en lui communiquant tous renseignements sur l'autorité ou les autorités considérées comme compétentes et sur les décisions de celles-ci;*

d) *le Membre qui aura obtenu le consentement de l'autorité ou des autorités compétentes communiquera sa ratification formelle de la convention au Directeur général et prendra telles mesures qui seront nécessaires pour rendre effectives les dispositions de ladite convention;*

(e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.

6. In the case of a Recommendation—

(a) the Recommendation will be communicated to all Members for their consideration with a view to effect being given to it by national legislation or otherwise;

(b) each of the Members undertakes that it will, within a period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months after the closing of the Conference, bring the Recommendation before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action;

(c) the Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring the Recommendation before the said competent authority or authorities with particulars of the authority or authorities regarded as competent, and of the action taken by them;

(d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may

e) si une convention n'obtient pas l'assentiment de l'autorité ou des autorités dans la compétence desquelles rentre la matière, le Membre ne sera soumis à aucune autre obligation, si ce n'est qu'il devra faire rapport au Directeur général du Bureau international du Travail, à des périodes appropriées, selon ce que décidera le Conseil d'administration, sur l'état de sa législation et sur sa pratique concernant la question qui fait l'objet de la convention, en précisant dans quelle mesure l'on a donné suite ou l'on se propose de donner suite à toute disposition de la convention par voie législative, par voie administrative, par voie de contrats collectifs ou par toute autre voie, et en exposant quelles difficultés empêchent ou retardent la ratification d'une telle convention.

6. S'il s'agit d'une recommandation:

a) la recommandation sera communiquée à tous les Membres pour examen, en vue de lui faire porter effet sous forme de loi nationale ou autrement;

b) chacun des Membres s'engage à soumettre dans le délai d'un an à partir de la clôture de la session de la Conférence (ou, si par suite de circonstances exceptionnelles, il est impossible de procéder dans le délai d'un an, dès qu'il sera possible, mais jamais plus de dix-huit mois après la clôture de la session de la Conférence), la recommandation à l'autorité ou aux autorités dans la compétence desquelles rentre la matière, en vue de la transformer en loi ou de prendre des mesures d'un autre ordre;

c) les Membres informeront le Directeur général du Bureau international du Travail des mesures prises, en vertu du présent article, pour soumettre la recommandation à l'autorité ou aux autorités compétentes, en lui communiquant tous renseignements sur l'autorité ou les autorités considérées comme compétentes et sur les décisions de celles-ci;

d) sauf l'obligation de soumettre la recommandation à l'autorité ou aux autorités compétentes, les Membres ne seront soumis à aucune autre obligation, si ce n'est qu'ils devront faire rapport au Directeur général du Bureau international du Travail, à des périodes appropriées, selon ce que décidera le Conseil d'administration, sur l'état de leur législation et sur leur pratique concernant la question qui fait l'objet de la recommandation en précisant dans quelle mesure l'on a donné suite ou l'on se propose de donner suite à toutes dispositions de la recommandation et en indiquant les modi-

be found necessary to make in adopting or applying them.

7. In the case of a federal State, the following provisions shall apply:

(a) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;

(b) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent States, provinces, or cantons rather than for federal action, the federal Government shall—

(i) make, in accordance with its Constitution and the Constitutions of the States, provinces or cantons concerned, effective arrangements for the reference of such Conventions and Recommendations not later than eighteen months from the closing of the session of the Conference to the appropriate federal, State, provincial or cantonal authorities for the enactment of legislation or other action;

(ii) arrange, subject to the concurrence of the State, provincial or cantonal Governments concerned, for periodical consultations between the federal and the State, provincial or cantonal authorities with a view to promoting within the federal State co-ordinated action to give effect to the provisions of such Conventions and Recommendations;

(iii) inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring such Conventions and Recommendations before the appropriate federal, State, provincial or cantonal authorities with particulars of the authorities regarded as appropriate and of the action taken by them;

(iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the posi-

tions of these dispositions which seem to them to be necessary for their adoption or application.

7. Dans le cas où il s'agit d'un Etat fédératif, les dispositions suivantes seront appliquées:

a) à l'égard des conventions et des recommandations pour lesquelles le gouvernement fédéral considère que, d'après son système constitutionnel, une action fédérale est appropriée, les obligations de l'Etat fédératif seront les mêmes que celles des Membres qui ne sont pas des Etats fédératifs;

b) à l'égard des conventions et des recommandations pour lesquelles le gouvernement fédéral considère que, d'après son système constitutionnel, une action de la part des Etats constituants, des provinces ou des cantons est, sur tous les points ou sur certains points, plus appropriée qu'une action fédérale, ledit gouvernement devra:

i) conclure, en conformité avec sa constitution et les constitutions des Etats constituants, des provinces ou des cantons intéressés, des arrangements effectifs pour que ces conventions ou recommandations soient, au plus tard dans les dix-huit mois suivant la clôture de la session de la Conférence, soumises aux autorités appropriées fédérales, ou à celles des Etats constituants, des provinces ou des cantons en vue d'une action législative ou de toute autre action;

ii) prendre des mesures, sous réserve de l'accord des gouvernements des Etats constituants, des provinces ou des cantons intéressés, pour établir des consultations périodiques, entre les autorités fédérales d'une part et les autorités des Etats constituants, des provinces ou des cantons d'autre part, en vue de développer à l'intérieur de l'Etat fédératif une action coordonnée destinée à donner effet aux dispositions de ces conventions et recommandations;

iii) informer le Directeur général du Bureau international du Travail des mesures prises en vertu du présent article pour soumettre ces conventions et recommandations aux autorités appropriées fédérales, des Etats constituants, des provinces ou des cantons, en lui communiquant tous renseignements sur les autorités considérées comme autorités appropriées et sur les décisions de celles-ci;

iv) au sujet de chacune de ces conventions qu'il n'aura pas ratifiées, faire rapport au Directeur général du Bureau international du Travail, à des intervalles de temps appropriés, selon ce que décidera le Conseil

tion of the law and practice of the federation and its constituent States, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise;

(v) *in respect of each such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent States, provinces or cantons in regard to the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.*

8. *In no case shall the adoption of any Convention or Recommendation by the Conference, or the ratification of any Convention by any Member, be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention or Recommendation.*

Art. 20. Any Convention so ratified shall be communicated by the Director-General of the International Labour Office to the Secretary-General of the United Nations for registration in accordance with the provisions of Article 102 of the Charter of the United Nations but shall only be binding upon the Members which ratify it.

Art. 21.—1. If any Convention coming before the Conference for final consideration fails to secure the support of two thirds of the votes cast by the delegates present, it shall nevertheless be within the right of any of the Members of the Organisation to agree to such Convention among themselves.

2. Any Convention so agreed to shall be communicated by the Governments concerned to the Director-General of the International Labour Office and to the Secretary-General of the United Nations for registration in accordance with the provisions of Article 102 of the Charter of the United Nations.

d'administration, sur l'état de la législation et de la pratique de la fédération et des Etats constituants, des provinces ou des cantons concernant la question qui fait l'objet de la convention, en précisant dans quelle mesure il a été donné ou l'on se propose de donner effet aux dispositions de la convention par voie législative, par voie administrative, par voie de contrats collectifs ou par toute autre voie;

v) *au sujet de chacune de ces recommandations, faire rapport au Directeur général du Bureau international du Travail, à des intervalles de temps appropriés, selon ce que décidera le Conseil d'administration, sur l'état de la législation et de la pratique de la fédération et de ses Etats constituants, de ses provinces ou de ses cantons concernant la question qui fait l'objet de la recommandation, en précisant dans quelle mesure il a été donné ou l'on se propose de donner effet aux dispositions de la recommandation et en indiquant quelles modifications de ces dispositions semblent ou pourront sembler nécessaires pour les adopter ou les appliquer.*

8. *En aucun cas, l'adoption d'une convention ou d'une recommandation par la Conférence, ou la ratification d'une convention par un Membre ne devront être considérées comme affectant toute loi, toute sentence, toute coutume ou tout accord qui assurent des conditions plus favorables aux travailleurs intéressés que celles prévues par la convention ou la recommandation.*

Art. 20. Toute convention ainsi ratifiée sera communiquée par le Directeur général du Bureau international du Travail au Secrétaire général des Nations Unies, pour enregistrement conformément aux dispositions de l'article 102 de la Charte des Nations Unies, mais ne liera que les Membres qui l'ont ratifiée.

Art. 21.—1. Tout projet qui, dans le scrutin final sur l'ensemble, ne recueillera pas la majorité des deux tiers des suffrages exprimés par les Membres présents peut faire l'objet d'une convention particulière entre ceux des Membres de l'Organisation qui en ont le désir.

2. Toute convention ainsi conclue sera communiquée par les gouvernements intéressés au Directeur général du Bureau international du Travail et au Secrétaire général des Nations Unies, pour enregistrement conformément aux dispositions de l'article 102 de la Charte des Nations Unies.

Art. 22. Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request.

Art. 23.—1. *The Director-General shall lay before the next meeting of the Conference a summary of the information and reports communicated to him by Members in pursuance of Articles 19 and 22.*

2. Each Member shall communicate to the representative organisations recognised for the purpose of Article 3 copies of the information and reports communicated to the Director-General in pursuance of Articles 19 and 22.

Art. 24. In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party, the Governing Body may communicate this representation to the Government against which it is made, and may invite that Government to make such statement on the subject as it may think fit.

Art. 25. If no statement is received within a reasonable time from the Government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

Art. 26.—1. Any of the Members shall have the right to file a complaint with the International Labour Office if it is not satisfied that any other Member is securing the effective observance of any Convention which both have ratified in accordance with the foregoing Articles.

2. The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Enquiry, as hereinafter provided for, communicate with the Government in question in the manner described in Article 24.

3. If the Governing Body does not think it necessary to communicate the complaint to the Government in question,

Art. 22. Chacun des Membres s'engage à présenter au Bureau international du Travail un rapport annuel sur les mesures prises par lui pour mettre à exécution les conventions auxquelles il a adhéré. Ces rapports seront rédigés sous la forme indiquée par le Conseil d'administration et devront contenir les précisions demandées par ce dernier.

Art. 23.—1. *Le Directeur général présentera à la plus prochaine session de la Conférence un résumé des informations et rapports qui lui auront été communiqués par les Membres en application des articles 19 et 22.*

2. Chaque Membre communiquera aux organisations représentatives reconnues telles aux fins de l'article 3, copie des informations et rapports transmis au Directeur général en application des articles 19 et 22.

Art. 24. Toute réclamation adressée au Bureau international du Travail par une organisation professionnelle des travailleurs ou des employeurs, et aux termes de laquelle l'un quelconque des Membres n'aurait pas assuré d'une manière satisfaisante l'exécution d'une convention à laquelle ledit Membre a adhéré, pourra être transmise par le Conseil d'administration au gouvernement mis en cause et ce gouvernement pourra être invité à faire sur la matière telle déclaration qu'il jugera convenable.

Art. 25. Si aucune déclaration n'est reçue du gouvernement mis en cause dans un délai raisonnable, ou si la déclaration reçue ne paraît pas satisfaisante au Conseil d'administration, ce dernier aura le droit de rendre publique la réclamation reçue et, le cas échéant, la réponse faite.

Art. 26.—1. Chacun des Membres pourra déposer une plainte au Bureau international du Travail contre un autre Membre qui, à son avis, n'assurait pas d'une manière satisfaisante l'exécution d'une convention que l'un et l'autre auraient ratifiée en vertu des articles précédents.

2. Le Conseil d'administration peut, s'il le juge à propos, et avant de saisir une Commission d'enquête selon la procédure indiquée ci-après, se mettre en rapport avec le gouvernement mis en cause de la manière indiquée à l'article 24.

3. Si le Conseil d'administration ne juge pas nécessaire de communiquer la plainte au gouvernement mis en cause, ou

or if, when *it has* made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may *appoint* a Commission of Enquiry to consider the complaint and to report thereon.

4. The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a delegate to the Conference.

5. When any matter arising out of Articles 25 or 26 is being considered by the Governing Body, the Government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government in question.

Art. 27. The Members agree that, in the event of the reference of a complaint to a Commission of Enquiry under Article 26, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject matter of the complaint.

Art. 28. When the Commission of Enquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

Art. 29.—1. *The Director-General of the International Labour Office* shall communicate the report of the Commission of Enquiry to the *Governing Body* and to each of the Governments concerned in the complaint, and shall cause it to be published.

2. Each of these Governments shall within *three months* inform the *Director-General of the International Labour Office* whether or not it accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the *International Court of Justice*.

Art. 30. In the event of any Member failing to take the action required by

si cette communication ayant été faite, aucune réponse ayant satisfait le Conseil d'administration n'a été recue dans un délai raisonnable, le Conseil pourra former une Commission d'enquête qui aura pour mission d'étudier la question soulevée et de déposer un rapport à ce sujet.

4. La même procédure pourra être engagée par le Conseil, soit d'office, soit sur la plainte d'un délégué à la Conférence.

5. Lorsqu'une question soulevée par l'application des articles 25 ou 26 viendra devant le Conseil d'administration, le gouvernement mis en cause, s'il n'a pas déjà un représentant au sein du Conseil d'administration, aura le droit de désigner un délégué pour prendre part aux délibérations du Conseil relatives à cette affaire. La date à laquelle ces discussions doivent avoir lieu sera notifiée en temps utile au gouvernement mis en cause.

Art. 27. Dans le cas où une plainte serait renvoyée, en vertu de l'article 26, devant une Commission d'enquête, chacun des Membres, qu'il soit ou non directement intéressé à la plainte, s'engage à mettre à la disposition de la Commission toute information qui se trouverait en sa possession relativement à l'objet de la plainte.

Art. 28. La Commission d'enquête, après un examen approfondi de la plainte, rédigera un rapport dans lequel elle consignera ses constatations sur tous les points de fait permettant de préciser la portée de la contestation, ainsi que les recommandations qu'elle croira devoir formuler quant aux mesures à prendre pour donner satisfaction au gouvernement plaignant et quant aux délais dans lesquels ces mesures devraient être prises.

Art. 29.—1. Le *Directeur général du Bureau international du Travail* communiquera le rapport de la Commission d'enquête au *Conseil d'administration* et à chacun des gouvernements intéressés dans le différend, et en assurera la publication.

2. Chacun des gouvernements intéressés devra signifier au *Directeur général du Bureau international du Travail*, dans le délai de *trois mois*, s'il accepte ou non les recommandations contenues dans le rapport de la Commission et, au cas où il ne les accepte pas, s'il désire soumettre le différend à la *Cour internationale de Justice*.

Art. 30. Dans le cas où l'un des Membres ne prendrait pas, relativement à une

paragraphs 5 (b), 6 (b) or 7 (b) (i) of Article 19 with regard to a Convention or Recommendation, any other Member shall be entitled to refer the matter to the Governing Body. In the event of the Governing Body finding that there has been such a failure, it shall report the matter to the Conference.

Art. 31. The decision of the *International Court of Justice* in regard to a complaint or matter which has been referred to it in pursuance of Article 29 shall be final.

Art. 32. The *International Court of Justice* may affirm, vary or reverse any of the findings or recommendations of the Commission of Enquiry, if any.

Art. 33. In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Enquiry, or in the decision of the *International Court of Justice*, as the case may be, the Governing Body may recommend to the Conference such action as it may deem wise and expedient to secure compliance therewith.

Art. 34. The defaulting Government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Enquiry or with those in the decision of the *International Court of Justice*, as the case may be, and may request it to constitute a Commission of Enquiry to verify its contention. In this case the provisions of Articles 27, 28, 29, 31 and 32 shall apply, and if the report of the Commission of Enquiry or the decision of the *International Court of Justice* is in favour of the defaulting Government, the Governing Body shall forthwith recommend the discontinuance of any action taken in pursuance of Article 33.

CHAPTER III—GENERAL

Art. 35.—1. The Members undertake that Conventions which they have ratified in accordance with the provisions of this Constitution shall be applied to the non-metropolitan territories for whose international relations they are responsible, including any trust territories for which they are the administering authority, except where the subject matter of the Convention is

convention ou à une recommandation, les mesures prescrites aux paragraphes 5 b), 6 b) ou 7 b) i) de l'article 19 tout autre Membre aura le droit d'en référer au Conseil d'administration. Au cas où le Conseil d'administration trouverait que le Membre n'a pas pris les mesures prescrites, il en fera rapport à la Conférence.

Art. 31. La décision de la *Cour internationale de Justice* concernant une plainte ou une question qui lui aurait été soumise conformément à l'article 29 ne sera pas susceptible d'appel.

Art. 32. Les conclusions ou recommandations éventuelles de la Commission d'enquête pourront être confirmées, amendées ou annulées par la *Cour internationale de Justice*.

Art. 33. Si un Membre quelconque ne se conforme pas dans le délai prescrit aux recommandations éventuellement contenues soit dans le rapport de la Commission d'enquête, soit dans la décision de la *Cour internationale de Justice*, selon le cas, le Conseil d'administration pourra recommander à la Conférence telle mesure qui lui paraîtra opportune pour assurer l'exécution de ces recommandations.

Art. 34. Le gouvernement en faute peut, à tout moment, informer le Conseil d'administration qu'il a pris les mesures nécessaires pour se conformer, soit aux recommandations de la Commission d'enquête, soit à celles contenues dans la décision de la *Cour internationale de Justice*, et peut lui demander de bien vouloir faire constituer une Commission d'enquête chargée de vérifier ses dires. Dans ce cas, les stipulations des articles 27, 28, 29, 31 et 32 s'appliqueront, et si le rapport de la Commission d'enquête ou la décision de la *Cour internationale de Justice* sont favorables au gouvernement qui était en faute, le Conseil d'administration devra aussitôt recommander que les mesures prises conformément à l'article 33 soient rapportées.

CHAPITRE III—PRESCRIPTIONS GÉNÉRALES

Art. 35.—1. Les Membres s'engagent à appliquer les conventions qu'ils auront ratifiées, conformément aux dispositions de la présente Constitution, aux territoires non métropolitains dont ils assurent les relations internationales, y compris tous territoires sous tutelle pour lesquels ils seraient l'autorité chargée de l'administration, à moins que les questions traitées par

within the self-governing powers of the territory or the Convention is inapplicable owing to the local conditions or subject to such modifications as may be necessary to adapt the Convention to local conditions.

2. *Each Member which ratifies a Convention shall as soon as possible after ratification communicate to the Director-General of the International Labour Office a declaration stating in respect of the territories other than those referred to in paragraphs 4 and 5 below the extent to which it undertakes that the provisions of the Convention shall be applied and giving such particulars as may be prescribed by the Convention.*

3. *Each Member which has communicated a declaration in virtue of the preceding paragraph may from time to time, in accordance with the terms of the Convention, communicate a further declaration modifying the terms of any former declaration and stating the present position in respect of such territories.*

4. *Where the subject matter of the Convention is within the self-governing powers of any non-metropolitan territory the Member responsible for the international relations of that territory shall bring the Convention to the notice of the Government of the territory as soon as possible with a view to the enactment of legislation or other action by such Government. Thereafter the Member, in agreement with the Government of the territory, may communicate to the Director-General of the International Labour Office a declaration accepting the obligations of the Convention on behalf of such territory.*

5. *A declaration accepting the obligations of any Convention may be communicated to the Director-General of the International Labour Office—*

(a) by two or more Members of the Organisation in respect of any territory which is under their joint authority; or

(b) by any international authority responsible for the administration of any territory, in virtue of the Charter of the United Nations or otherwise, in respect of any such territory.

6. *Acceptance of the obligations of a Convention in virtue of paragraph 4 or paragraph 5 shall involve the acceptance on be-*

la convention ne rentrent dans le cadre de la compétence propre des autorités du territoire, ou que la convention ne soit rendue inapplicable par les conditions locales, ou sous réserve des modifications qui seraient nécessaires pour adapter les conventions aux conditions locales.

2. *Chaque Membre qui ratifie une convention doit, dans le plus bref délai possible après sa ratification, communiquer au Directeur général du Bureau international du Travail une déclaration faisant connaître, en ce qui concerne les territoires autres que ceux dont il s'agit aux paragraphes 4 et 5 ci-dessous, dans quelle mesure il s'engage à ce que les dispositions de la convention soient appliquées, et donnant tous les renseignements prescrits par ladite convention.*

3. *Chaque Membre qui aura communiqué une déclaration en vertu du paragraphe précédent pourra périodiquement communiquer, conformément aux termes de la convention, une nouvelle déclaration modifiant les termes de toute déclaration antérieure et faisant connaître la situation concernant les territoires visés au paragraphe ci-dessus.*

4. *Lorsque les questions traitées par la convention entrent dans le cadre de la compétence propre des autorités d'un territoire non métropolitain, le Membre responsable des relations internationales de ce territoire devra communiquer dans le plus bref délai possible la convention au gouvernement dudit territoire, afin que ce gouvernement puisse promulguer une législation ou prendre d'autres mesures. Par la suite, le Membre, en accord avec le gouvernement de ce territoire, pourra communiquer au Directeur général du Bureau international du Travail une déclaration d'acceptation des obligations de la convention au nom de ce territoire.*

5. *Une déclaration d'acceptation des obligations d'une convention peut être communiquée au Directeur général du Bureau international du Travail:*

a) par deux ou plusieurs Membres de l'Organisation pour un territoire placé sous leur autorité conjointe;

b) par toute autorité internationale responsable de l'administration d'un territoire en vertu des dispositions de la Charte des Nations Unies ou de toute autre disposition en vigueur, à l'égard de ce territoire.

6. *L'acceptation des obligations d'une convention en vertu des paragraphes 4 et 5 devra comporter l'acceptation, au nom du*

half of the territory concerned of the obligations stipulated by the terms of the Convention and the obligations under the Constitution of the Organisation which apply to ratified Conventions. A declaration of acceptance may specify such modifications of the provisions of the Convention as may be necessary to adapt the Convention to local conditions.

7. Each Member or international authority which has communicated a declaration in virtue of paragraph 4 or paragraph 5 of this Article may from time to time, in accordance with the terms of the Convention, communicate a further declaration modifying the terms of any former declaration or terminating the acceptance of the obligations of the Convention on behalf of the territory concerned.

8. If the obligations of a Convention are not accepted on behalf of a territory to which paragraph 4 or paragraph 5 of this Article relates, the Member or Members or international authority concerned shall report to the Director-General of the International Labour Office the position of the law and practice of that territory in regard to the matters dealt with in the Convention and the report shall show the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and shall state the difficulties which prevent or delay the acceptance of such Convention.

Art. 36. Amendments to this Constitution which are adopted by the Conference by a majority of two thirds of the votes cast by the delegates present shall take effect when ratified or accepted by two thirds of the Members of the Organisation including five of the eight Members which are represented on the Governing Body as Members of chief industrial importance in accordance with the provisions of paragraph 3 of Article 7 of this Constitution.

Art. 37.—1. Any question or dispute relating to the interpretation of *this Constitution* or of any subsequent Convention concluded by the Members in pursuance of the provisions of *this Constitution* shall be referred for decision to the *International Court of Justice*.

2. Notwithstanding the provisions of paragraph 1 of this Article the Governing Body may make and submit to the Conference for approval rules providing for the ap-

territoire intéressé, des obligations découlant des termes de la convention et des obligations qui, aux termes de la Constitution de l'Organisation, s'appliquent aux conventions ratifiées. Toute déclaration d'acceptation peut spécifier les modifications aux dispositions de la convention qui seraient nécessaires pour adapter la convention aux conditions locales.

7. Chaque Membre ou autorité internationale qui aura communiqué une déclaration en vertu des paragraphes 4 ou 5 du présent article pourra périodiquement communiquer, conformément aux termes de la convention, une nouvelle déclaration modifiant les termes de toute déclaration antérieure ou dénonçant l'acceptation des obligations de toute convention au nom du territoire intéressé.

8. Si les obligations d'une convention ne sont pas acceptées au nom d'un territoire visé par les paragraphes 4 ou 5 du présent article, le Membre ou les Membres ou l'autorité internationale feront rapport au Directeur général du Bureau international du Travail sur la législation et la pratique de ce territoire à l'égard des questions traitées dans la convention, et le rapport montrera dans quelle mesure il aura été ou sera donné effet à toute disposition de la convention, par la législation, les mesures administratives, les contrats collectifs ou toutes autres mesures, et le rapport déclarera de plus les difficultés qui empêchent ou retardent l'acceptation de cette convention.

Art. 36. Les amendements à la présente Constitution adoptés par la Conférence à la majorité des deux tiers des suffrages émis par les délégués présents entreront en vigueur lorsqu'ils auront été ratifiés ou acceptés par les deux tiers des Membres de l'Organisation comprenant cinq des huit Membres représentés au Conseil d'administration en qualité de Membres ayant l'importance industrielle la plus considérable, conformément aux dispositions du paragraphe 3 de l'article 7 de la présente Constitution.

Art. 37.—1. Toutes questions ou difficultés relatives à l'interprétation de la présente Constitution et des conventions ultérieurement conclues par les Membres, en vertu de ladite Constitution, seront soumises à l'appréciation de la Cour internationale de Justice.

2. Nonobstant les dispositions du paragraphe 1 du présent article, le Conseil d'administration pourra formuler et soumettre à la Conférence pour approbation des règles

pointment of a tribunal for the expeditious determination of any dispute or question relating to the interpretation of a Convention which may be referred thereto by the Governing Body or in accordance with the terms of the Convention. Any applicable judgment or advisory opinion of the International Court of Justice shall be binding upon any tribunal established in virtue of this paragraph. Any award made by such a tribunal shall be circulated to the Members of the Organisation and any observations which they may make thereon shall be brought before the Conference.

Art. 38.—1. The International Labour Organisation may convene such regional conferences and establish such regional agencies as may be desirable to promote the aims and purposes of the Organisation.

2. The powers, functions and procedure of regional conferences shall be governed by rules drawn up by the Governing Body and submitted to the General Conference for confirmation.

CHAPTER IV—MISCELLANEOUS PROVISIONS

Art. 39. The International Labour Organisation shall possess full juridical personality and in particular the capacity—

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property;
- (c) to institute legal proceedings.

Art. 40.—1. The International Labour Organisation shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.

2. Delegates to the Conference, members of the Governing Body and the Director-General and officials of the Office shall likewise enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organisation.

3. Such privileges and immunities shall be defined in a separate agreement to be prepared by the Organisation with a view to its acceptance by the Members.

ANNEX

Declaration concerning the aims and purposes of the International Labour Organisation

[See No. 633, ante.]

pour l'institution d'un tribunal en vue du prompt règlement de toute question ou difficulté relatives à l'interprétation d'une convention, qui pourront être portées devant le tribunal par le Conseil d'administration ou conformément aux termes de ladite convention. Tous arrêts ou avis consultatifs de la Cour internationale de Justice lieront tout tribunal institué en vertu du présent paragraphe. Toute sentence prononcée par un tel tribunal sera communiquée aux Membres de l'Organisation et toute observation de ceux-ci sera présentée à la Conférence.

Art. 38.—1. L'Organisation internationale du Travail pourra convoquer telles conférences régionales et établir telles institutions régionales qui lui paraîtront utiles pour atteindre les buts et objectifs de l'Organisation.

2. Les pouvoirs, fonctions et procédure des conférences régionales seront régis par des règles formulées par le Conseil d'administration et présentées par lui à la Conférence générale pour confirmation.

CHAPITRE IV—MESURES DIVERSES

Art. 39. L'Organisation internationale du Travail doit posséder la personnalité juridique, elle a notamment, la capacité:

- a) de contracter;
- b) d'acquérir des biens meubles et immeubles, de disposer de ces biens;
- c) d'ester en justice.

Art. 40.—1. L'Organisation internationale du Travail jouit, sur le territoire de chacun de ses Membres, des privilèges et immunités qui lui sont nécessaires pour atteindre ses buts.

2. Les délégués à la Conférence, les membres du Conseil d'administration ainsi que le Directeur général et les fonctionnaires du Bureau jouissent également des privilèges et immunités qui leur sont nécessaires pour exercer, en toute indépendance, leurs fonctions en rapport avec l'Organisation.

3. Ces privilèges et immunités seront précisés dans un accord séparé qui sera préparé par l'Organisation en vue de son acceptation par les Etats Membres.

ANNEXE

Déclaration concernant les buts et objectifs de l'Organisation internationale du Travail

[Voir N° 633, ante.]

The foregoing is the authentic text of the Constitution of the International Labour Organisation Instrument of Amendment, 1946, duly adopted by the General Conference of the International Labour Organisation on the ninth day of October one thousand nine hundred and forty-six in the course of its Twenty-ninth Session, which was held at Montreal.

The English and French versions of the text of this Instrument of Amendment are equally authoritative.

IN FAITH WHEREOF we have appended our signatures this first day of November 1946.

Le texte qui précède est le texte authentique de l'instrument d'amendement à la Constitution de l'Organisation internationale du Travail, 1946, dûment adopté par la Conférence générale de l'Organisation internationale du Travail le neuf octobre mil neuf cent quarante-six, au cours de sa vingt-neuvième session, qui s'est tenue à Montréal.

Les versions française et anglaise du texte du présent instrument d'amendement font également foi.

EN FOI DE QUOI ont apposé leurs signatures, ce premier jour de novembre 1946.

The President of the Conference, HUMPHREY MITCHELL.

The Director-General of the International Labour Office, EDWARD PHELAN.

No. 665b

Agreement between the United Nations and the International Labor Organization. Signed at New York, May 30, 1946.

Accord entre les Nations Unies et l'Organisation internationale du Travail. Signé à New-York, 30 mai 1946.

EDITOR'S NOTE. This Agreement was approved by the General Conference of the International Labor Organization on October 2, 1946, and by the General Assembly of the United Nations on December 14, 1946. A protocol concerning the entry into force of the Agreement was signed at New York, December 19, 1946. 1 *U.N. Treaty Series*, p. 183, 29 ILO, *Official Bulletin* (1946), p. 383.

Entered into force December 14, 1946.¹

Text supplied by the Secretariat of the United Nations.

Article 57 of the Charter of the United Nations provides that specialized agencies established by intergovernmental agreement and having wide international responsibilities as defined in their basic instruments in economic, social, cultural, educational, health and related fields shall

L'Article 57 de la Charte des Nations Unies prévoit que les diverses institutions spécialisées créées par accords intergouvernementaux et pourvues, aux termes de leurs statuts, d'attributions internationales étendues dans les domaines économique, social, de la culture intellectuelle et

¹ Filed with the Secretariat of the United Nations, under No. 9, December 19, 1946.

be brought into relationship with the United Nations.

The International Labour Conference, meeting in its twenty-seventh session in Paris on 3 November 1945, adopted a resolution confirming the desire of the International Labour Organization to enter into relationship with the United Nations on terms to be determined by agreement.

Therefore, the United Nations and the International Labour Organization agree as follows:

ARTICLE I

The United Nations recognizes the International Labour Organization as a specialized agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein.

ARTICLE 2.—*Reciprocal representation*

1. Representatives of the United Nations shall be invited to attend the meetings of the International Labour Conference (hereinafter called the Conference) and its committees, the Governing Body and its committees, and such general, regional or other special meetings as the International Labour Organization may convene, and to participate, without vote, in the deliberations of these bodies.

2. Representatives of the International Labour Organization shall be invited to attend meetings of the Economic and Social Council of the United Nations (hereinafter called the Council) and of its commissions and committees and to participate, without vote, in the deliberations of these bodies with respect to items on their agenda in which the International Labour Or-

de l'éducation, de la santé publique et autres domaines connexes, seront reliées aux Nations Unies.

La Conférence internationale du Travail, en sa vingt-septième session tenue à Paris, a adopté le 3 novembre 1945, une résolution exprimant le désir de l'Organisation internationale du Travail d'entrer en relation avec les Nations Unies conformément à des dispositions déterminées par accord mutuel.

En conséquence, les Nations Unies et l'Organisation internationale du Travail conviennent de ce qui suit:

ARTICLE I

L'Organisation internationale du Travail est reconnue par les Nations Unies comme étant une institution spécialisée, investie de la responsabilité de prendre des mesures appropriées, aux termes de son instrument fondamental, pour l'accomplissement des objectifs prévus à cet instrument.

ARTICLE 2.—*Représentation réciproque*

1. Des représentants des Nations Unies seront invités à assister aux réunions de la Conférence internationale du Travail (désignée ci-dessous par le terme "Conférence") et de ses Commissions; du Conseil d'administration et de ses Commissions; et des autres conférences générales, régionales ou spéciales, convoquées par l'Organisation internationale du Travail, et à participer, sans droit de vote, aux délibérations de ces organes.

2. Des représentants de l'Organisation internationale du Travail seront invités à assister aux réunions du Conseil économique et social des Nations Unies (désigné ci-dessous par le terme "Conseil") et de ses Commissions et Comités et à participer, sans droit de vote, aux délibérations de ces organes, en ce qui concerne les questions figurant à leur ordre du jour et pour les-

ganization has indicated that it has an interest.

3. Representatives of the International Labour Organization shall be invited to attend, in a consultative capacity, meetings of the General Assembly and shall be afforded full opportunity for presenting to the General Assembly the views of the International Labour Organization on questions within the scope of its activities.

4. Representatives of the International Labour Organization shall be invited to attend meetings of the main committees of the General Assembly in which the International Labour Organization has an interest and to participate, without vote, in the deliberations thereof.

5. Representatives of the International Labour Organization shall be invited to attend the meetings of the Trusteeship Council and to participate, without vote, in the deliberations thereof with respect to items on the agenda in which the International Labour Organization has indicated that it has an interest.

6. Written statements of the Organization shall be distributed by the Secretariat of the United Nations to all Members of the General Assembly, the Council and its commissions and the Trusteeship Council as appropriate.

ARTICLE 3.—*Proposal of agenda items*

Subject to such preliminary consultation as may be necessary, the International Labour Organization shall include on the agenda of the Governing Body items proposed to it by the United Nations. Similarly, the Council and its commissions and the Trusteeship Council shall include on their agenda items proposed by the International Labour Organization.

quelles l'Organisation internationale du Travail aura indiqué avoir un intérêt.

3. Des représentants de l'Organisation internationale du Travail seront invités à assister, à titre consultatif, aux réunions de l'Assemblée générale. Il leur sera donné l'occasion de présenter pleinement à l'Assemblée générale les vues de l'Organisation internationale du Travail sur les questions entrant dans le domaine de ses activités.

4. Des représentants de l'Organisation internationale du Travail seront invités à assister aux réunions des Commissions principales de l'Assemblée générale, pour lesquelles l'Organisation internationale du Travail a un intérêt et à participer, sans droit de vote, aux délibérations de ces Commissions.

5. Des représentants de l'Organisation internationale du Travail seront invités à assister aux réunions du Conseil de tutelle et à participer, sans droit de vote, à ses délibérations en ce qui concerne les questions figurant à son ordre du jour et pour lesquelles l'Organisation aura indiqué avoir un intérêt.

6. Le Secrétariat des Nations Unies assurera la distribution de toute communication écrite de l'Organisation aux membres de l'Assemblée générale, du Conseil et de ses Commissions, ainsi que du Conseil de tutelle, selon le cas.

ARTICLE 3.—*Insertion des questions dans l'ordre du jour*

Sous réserve des consultations préliminaires qui pourraient être nécessaires, l'Organisation internationale du Travail insérera dans l'ordre du jour du Conseil d'administration les questions proposées par les Nations Unies. Réciproquement, le Conseil et ses Commissions, ainsi que le Conseil de tutelle, inséreront dans leur ordre du jour les questions proposées par l'Organisation internationale du Travail.

ARTICLE 4.—Recommendations of the General Assembly and of the Council

1. The International Labour Organization, having regard to the obligation of the United Nations to promote the objectives set forth in Article 55 of the Charter and the function and power of the Council, under Article 62 of the Charter, to make or initiate studies and reports with respect to international economic, social, cultural, educational, health and related matters and to make recommendations concerning these matters to the specialized agencies concerned, and having regard, also to the responsibility of the United Nations, under Articles 58 and 63 of the Charter, to make recommendations for the co-ordination of the policies and activities of such specialized agencies, agrees to arrange for the submission, as soon as possible, to the Governing Body, the Conference or such other organ of the International Labour Organization, as may be appropriate, of all formal recommendations which the General Assembly or the Council may make to it.

2. The International Labour Organization agrees to enter into consultation with the United Nations upon request, with respect to such recommendations, and in due course to report to the United Nations on the action taken, by the Organization or by its members, to give effect to such recommendations, or on the other results of their consideration.

3. The International Labour Organization affirms its intention of co-operating in whatever further measures may be necessary to make co-ordination of the activities of specialized agencies and those of the

ARTICLE 4.—Recommandations de l'Assemblée générale et du Conseil

1. L'Organisation internationale du Travail, tenant compte de l'obligation des Nations Unies de favoriser les objectifs prévus à l'Article 55 de la Charte et des fonctions et pouvoirs du Conseil aux termes de l'Article 62 de la Charte de faire ou de provoquer des études et des rapports sur des questions internationales dans les domaines économique, social, de la culture, de l'éducation et de la santé publique et autres domaines connexes et d'adresser des recommandations sur toutes ces questions aux institutions spécialisées; et tenant compte également de la responsabilité des Nations Unies, aux termes des Articles 58 et 63 de la Charte, de faire des recommandations en vue de coordonner les programmes et activités des institutions spécialisées, convient de prendre des mesures en vue de soumettre, aussitôt que possible, au Conseil d'administration, à la Conférence, ou à tout autre organe de l'Organisation internationale du Travail qui pourrait être approprié, toutes les recommandations formelles que l'Assemblée générale ou le Conseil pourra lui adresser.

2. L'Organisation internationale du Travail convient de procéder à des échanges de vues avec les Nations Unies, à leur demande, au sujet de ces recommandations et de faire rapport en temps opportun aux Nations Unies sur les mesures prises par l'Organisation ou par ses membres en vue de donner effet à ces recommandations, ou sur tous autres résultats dont aurait été suivie la prise en considération de ces recommandations.

3. L'Organisation internationale du Travail affirme son intention de coopérer à toutes autres mesures qui pourront être nécessaires en vue d'assurer la coordination effective des activités des institutions spé-

United Nations fully effective. In particular, it agrees to participate in, and to co-operate with, any body or bodies which the Council may establish for the purpose of facilitating such co-ordination, and to furnish such information as may be required for the carrying out of this purpose.

ARTICLE 5.—*Exchange of information and documents*

1. Subject to such arrangements as may be necessary for the safeguarding of confidential material, the fullest and promptest exchange of information and documents shall be made between the United Nations and the International Labour Organization.

2. Without prejudice to the generality of the provisions of paragraph 1:

(a) the International Labour Organization agrees to transmit to the United Nations regular reports on the activities of the International Labour Organization;

(b) the International Labour Organization agrees to comply to the fullest extent practicable with any request which the United Nations may make for the furnishing of special reports, studies or information, subject to the conditions set forth in Article 15; and

(c) the Secretary-General shall, upon request, consult with the Director regarding the provision to the International Labour Organization of such information as may be of special interest to the Organization.

ARTICLE 6.—*Assistance to the Security Council*

The International Labour Organization agrees to co-operate with the Economic and Social Council in furnishing such information and rendering such assistance to the

cialisées et de celles des Nations Unies. Notamment, elle convient de participer à tout organisme ou tous organismes que le Conseil pourrait créer en vue de faciliter cette coordination, de coopérer avec ces organismes et de fournir les informations qui pourraient être nécessaires dans l'accomplissement de cette tâche.

ARTICLE 5.—*Echange d'informations et de documents*

1. Sous réserve des mesures qui pourraient être nécessaires pour sauvegarder le caractère confidentiel de certains documents, les Nations Unies et l'Organisation internationale du Travail procéderont à l'échange le plus complet et le plus rapide d'informations et de documents.

2. Sans porter préjudice au caractère général des dispositions du paragraphe 1:

a) l'Organisation internationale du Travail convient de fournir aux Nations Unies des rapports réguliers sur les activités de l'Organisation internationale du Travail;

b) l'Organisation internationale du Travail convient de donner suite, dans toute la mesure du possible, à toute demande de rapports spéciaux, d'études ou d'informations, présentée par les Nations Unies, sous réserve des dispositions de l'article 15; et

c) le Secrétaire général, à la demande du Directeur, procédera à des échanges de vues avec lui en vue de fournir les informations pour lesquelles l'Organisation internationale du Travail aurait un intérêt spécial.

ARTICLE 6.—*Assistance au Conseil de sécurité*

L'Organisation internationale du Travail convient de coopérer avec le Conseil économique et social en fournissant telles informations et telle assistance que le Conseil de

Security Council as that Council may request including assistance in carrying out decisions of the Security Council for the maintenance or restoration of international peace and security.

ARTICLE 7.—*Assistance to the Trusteeship Council*

The International Labour Organization agrees to co-operate with the Trusteeship Council in the carrying out of its functions and in particular agrees that it will, to the greatest extent possible, render such assistance as the Trusteeship Council may request, in regard to matters with which the Organization is concerned.

ARTICLE 8.—*Non-Self-Governing Territories*

The International Labour Organization agrees to co-operate with the United Nations in giving effect to the principles and obligations set forth in Chapter XI of the Charter with regard to matters affecting the well-being and development of the peoples of Non-Self-Governing Territories.

ARTICLE 9.—*Relations with the International Court of Justice*

1. The International Labour Organization agrees to furnish any information which may be requested by the International Court of Justice in pursuance of Article 34 of the Statute of the Court.

2. The General Assembly authorizes the International Labour Organization to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its activities other than questions concerning the mutual relationships of the Organization and the United Nations or other specialized agencies.

3. Such request may be addressed to the Court by the Conference, or by

sécurité pourrait demander, y compris l'assistance destinée à permettre l'application des décisions du Conseil de sécurité pour le maintien ou le rétablissement de la paix et de la sécurité internationales.

ARTICLE 7.—*Assistance au Conseil de tutelle*

L'Organisation internationale du Travail convient de coopérer avec le Conseil de tutelle des Nations Unies dans l'accomplissement de ses fonctions et, en particulier, de fournir au Conseil de tutelle, dans toute la mesure du possible, telle assistance que le Conseil pourrait lui demander au sujet des questions intéressant l'Organisation.

ARTICLE 8.—*Territoires non autonomes*

L'Organisation internationale du Travail convient de coopérer avec les Nations Unies à la mise en œuvre des principes et obligations prévus au Chapitre XI de la Charte en ce qui concerne les questions affectant le bien-être et le développement des peuples des territoires non autonomes.

ARTICLE 9.—*Relations avec la Cour internationale de Justice*

1. L'Organisation internationale du Travail convient de fournir toutes informations qui lui seraient demandées par la Cour internationale de Justice, conformément à l'Article 34 du Statut de la Cour.

2. L'Assemblée générale autorise l'Organisation internationale du Travail à demander des avis consultatifs à la Cour internationale de Justice sur des questions juridiques qui se poseraient dans le cadre de son activité, à l'exception de celles concernant les relations réciproques entre l'Organisation internationale du Travail et des Nations Unies ou d'autres institutions spécialisées.

3. La demande peut être adressée à la Cour par la Conférence, ou par

the Governing Body acting in pursuance of an authorization by the Conference.

4. When requesting the International Court of Justice to give an advisory opinion, the International Labour Organization shall inform the Economic and Social Council of the request.

ARTICLE 10.—*Headquarters and regional offices*

1. The International Labour Organization, having regard to the desirability of the headquarters of specialized agencies being situated at the permanent seat of the United Nations, and to the advantages that flow from such centralization, agrees to consult the United Nations before making any decision concerning the location of its permanent headquarters.

2. Any regional or branch offices which the International Labour Organization may establish shall, so far as practicable, be closely associated with such regional or branch offices as the United Nations may establish.

ARTICLE 11.—*Personnel arrangements*

1. The United Nations and the International Labour Organization recognize that the eventual development of a single unified international civil service is desirable from the standpoint of effective administrative co-ordination, and, with this end in view, agree to develop common personnel standards, methods and arrangements designed to avoid serious discrepancies in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate interchange of personnel in order to obtain the maximum benefit from their services.

2. The United Nations and the International Labour Organization agree to co-operate to the fullest ex-

le Conseil d'administration autorisé par la Conférence.

4. Au moment de présenter à la Cour internationale de Justice une demande d'avis consultatif, l'Organisation internationale du Travail informera le Conseil économique et social de la demande.

ARTICLE 10.—*Siège et bureaux régionaux*

1. L'Organisation internationale du Travail, tenant compte de l'intérêt qu'il y a à ce que le siège des institutions spécialisées soit situé au siège permanent des Nations Unies, et des avantages présentés par cette centralisation, convient de procéder à des échanges de vues avec les Nations Unies avant de décider de la situation de son siège permanent.

2. Dans la mesure du possible, les bureaux régionaux ou les branches que l'Organisation internationale du Travail pourrait établir seront en rapports étroits avec les bureaux régionaux ou les branches que les Nations Unies pourraient établir.

ARTICLE 11.—*Arrangements concernant le personnel*

1. Les Nations Unies et l'Organisation internationale du Travail reconnaissent que le développement futur d'un service civil international unifié est souhaitable du point de vue d'une coordination administrative effective, et à cette fin, conviennent de favoriser les règles communes concernant le personnel, les méthodes et arrangements destinés à éviter de graves inégalités dans les termes et les conditions d'emploi, ainsi qu'à éviter une concurrence dans le recrutement du personnel et à faciliter l'échange du personnel en vue d'obtenir le maximum d'avantages de leurs services.

2. Les Nations Unies et l'Organisation internationale du Travail conviennent de coopérer, dans la

tent possible in achieving these ends and in particular they agree to:

(a) consult together concerning the establishment of an International Civil Service Commission to advise on the means by which common standards of recruitment in the secretariats of the United Nations and of the specialized agencies may be ensured;

(b) consult together concerning other matters relating to the employment of their officers and staff, including conditions of service, duration of appointments, classification, salary scales and allowances, retirement and pension rights and staff regulations and rules with a view to securing as much uniformity in these matters as shall be found practicable;

(c) co-operate in the interchange of personnel, when desirable, on a temporary or permanent basis, making due provision for the retention of seniority and pension rights;

(d) co-operate in the establishment and operation of suitable machinery for the settlement of disputes arising in connection with the employment of personnel and related matters.

ARTICLE 12.—*Statistical services*

1. The United Nations and the International Labour Organization agree to strive for maximum co-operation, the elimination of all undesirable duplication between them, and the most efficient use of their technical personnel in their respective collection, analysis, publication and dissemination of statistical information. They agree to combine their efforts to secure the greatest possible usefulness and utilization of statistical information and to minimize the burdens placed upon national governments and other

plus large mesure possible, en vue d'atteindre ce but et notamment, elles conviennent:

a) de procéder à des échanges de vues au sujet de l'établissement d'une Commission de service civil international, chargée de donner des conseils sur les moyens permettant d'assurer des règles communes pour le recrutement du personnel des secrétariats des Nations Unies et des institutions spécialisées;

b) de procéder à des échanges de vues au sujet des questions relatives à l'emploi des fonctionnaires et du personnel, y compris les conditions de service, la durée des nominations, les catégories du personnel, l'échelle des traitements et des indemnités, la retraite et les droits à pension, ainsi que les règles et les règlements du personnel afin d'assurer autant d'uniformité qu'il sera possible dans ce domaine;

c) de coopérer dans l'échange de personnel, lorsque cela sera souhaitable, sur une base soit temporaire, soit permanente, en prenant soin de garantir l'ancienneté et les droits à pension; et

d) de coopérer à l'établissement et à la mise en œuvre d'un mécanisme approprié pour le règlement des litiges concernant l'emploi du personnel et les questions s'y rattachant.

ARTICLE 12.—*Services de statistiques*

1. Les Nations Unies et l'Organisation internationale du Travail conviennent de réaliser une coopération aussi complète que possible, d'éviter le double emploi superflu et d'utiliser avec la plus grande efficacité leur personnel technique dans leurs activités respectives concernant le rassemblement, l'analyse, la publication et la diffusion des informations statistiques. Les Nations Unies et l'Organisation internationale du Travail conviennent de mettre leurs efforts en commun en vue d'assurer la plus grande utilité et le plus

organizations from which such information may be collected.

2. The International Labour Organization recognizes the United Nations as the central agency for the collection, analysis, publication, standardization and improvement of statistics serving the general purposes of international organizations.

3. The United Nations recognizes the International Labour Organization as the appropriate agency for the collection, analysis, publication, standardization and improvement of statistics within its special sphere, without prejudice to the right of the United Nations to concern itself with such statistics so far as they may be essential for its own purposes or for the improvement of statistics throughout the world.

4. The United Nations shall develop administrative instruments and procedures through which effective statistical co-operation may be secured between the United Nations and the agencies brought into relationship with it.

5. It is recognized as desirable that the collection of statistical information should not be duplicated by the United Nations or any of the specialized agencies whenever it is practicable for any of them to utilize information or materials which another may have available.

6. In order to build up a central collection of statistical information for general use, it is agreed that data supplied to the International Labour Organization for incorporation in its basic statistical series or special reports should, so far as practicable, be made available to the United Nations.

grand usage possibles de leurs informations statistiques et de réduire au minimum les charges des gouvernements nationaux et de toutes autres organisations auprès desquels ces informations seront recueillies.

2. L'Organisation internationale du Travail reconnaît que les Nations Unies constituent l'organisme central chargé de recueillir, analyser, publier, standardiser et faire progresser les statistiques servant aux buts généraux des organisations internationales.

3. L'Organisation internationale du Travail est reconnue par les Nations Unies comme étant l'organisme approprié chargé de recueillir, analyser, publier, standardiser et faire progresser les statistiques dans son propre domaine, sans qu'il soit porté préjudice au droit des Nations Unies de s'intéresser à de telles statistiques pour autant qu'elles soient essentielles à la poursuite de leurs propres buts et au développement des statistiques à travers le monde.

4. Les Nations Unies établiront les instruments administratifs et la procédure au moyen desquels une coopération effective, concernant les statistiques entre les Nations Unies et les institutions reliées à elles, pourra être assurée.

5. Il est reconnu souhaitable que le rassemblement des informations statistiques ne soit pas répété par les Nations Unies ou par toute institution spécialisée chaque fois qu'il est possible d'utiliser les informations ou la documentation qu'une autre institution peut fournir.

6. Afin d'établir un centre de rassemblement des informations statistiques destinées à un usage général, il est convenu que les données fournies à l'Organisation internationale du Travail pour insertion dans ses séries statistiques de base et ses rapports spéciaux seront, dans la mesure du possible, mises à la disposition des Nations Unies.

ARTICLE 13.—*Administrative and technical services*

1. The United Nations and the International Labour Organization recognize the desirability, in the interest of administrative and technical uniformity and of the most efficient use of personnel and resources, of avoiding, whenever possible, the establishment and operation of competitive or overlapping facilities and services among the United Nations and the specialized agencies.

2. Accordingly, the United Nations and the International Labour Organization agree to consult together concerning the establishment and use of common administrative and technical services and facilities in addition to those referred to in Articles 11, 12 and 14, in so far as the establishment and use of such services may from time to time be found practicable and appropriate.

3. Arrangements shall be made between the United Nations and the International Labour Organization in regard to the registration and deposit of official documents.

ARTICLE 14.—*Budgetary and financial arrangements*

1. The International Labour Organization recognizes the desirability of establishing close budgetary and financial relationships with the United Nations in order that the administrative operations of the United Nations and of the specialized agencies shall be carried out in the most efficient and economical manner possible, and that the maximum measure of co-ordination and uniformity with respect to these operations shall be secured.

2. The United Nations and the International Labour Organization agree to co-operate to the fullest extent possible in achieving these ends and, in particular, making appropriate arrangements for the inclusion of the budget of the Organization

ARTICLE 13.—*Services administratifs et techniques*

1. Les Nations Unies et l'Organisation internationale du Travail reconnaissent que, afin d'unifier les méthodes administratives et techniques et de faire le meilleur usage possible du personnel et des ressources, il est souhaitable d'éviter, dans toute la mesure du possible au sein des Nations Unies et des institutions spécialisées, la création de services qui se fassent concurrence ou qui fassent double emploi.

2. En conséquence, les Nations Unies et l'Organisation internationale du Travail conviennent de procéder à des échanges de vues concernant l'établissement des services administratifs et techniques communs, en plus de ceux qui sont mentionnés aux articles 11, 12 et 14, dans la mesure où, de temps à autre, l'organisation et l'usage de tels services sembleront possibles et appropriés.

3. Les Nations Unies et l'Organisation internationale du Travail prendront des dispositions concernant l'enregistrement et le dépôt des documents officiels.

ARTICLE 14.—*Arrangements budgétaires et financiers*

1. L'Organisation internationale du Travail reconnaît qu'il serait souhaitable que d'étroites relations budgétaires et financières s'établissent avec les Nations Unies afin que les travaux administratifs des Nations Unies et des institutions spécialisées soient menés à bien de la manière la plus efficace et la plus économique et que le maximum de coordination et d'uniformité dans ces travaux soit assuré.

2. Les Nations Unies et l'Organisation internationale du Travail conviennent de coopérer dans toute la mesure du possible, à la poursuite de ces objectifs et notamment de procéder à des échanges de vues pour déterminer s'il serait souhaitable de

within a general budget of the United Nations. Any such arrangements which may be made shall be defined in a supplementary agreement between the two organizations.

3. In the preparation of the budget of the International Labour Organization the Organization shall consult with the United Nations.

4. The International Labour Organization agrees to transmit its proposed budget to the United Nations annually at the same time as such budget is transmitted to its members. The General Assembly shall examine the budget or proposed budget of the Organization and may make recommendations to it concerning any item or items contained therein.

5. Representatives of the International Labour Organization shall be entitled to participate, without vote, in the deliberations of the General Assembly or any committee thereof at all times when the budget of the Organization or general administrative or financial questions affecting the Organization are under consideration.

6. The United Nations may undertake the collection of contributions from those members of the International Labour Organization which are also Members of the United Nations in accordance with such arrangements as may be defined by a later agreement between the United Nations and the International Labour Organization.

7. The United Nations shall, upon its own initiative or upon the request of the International Labour Organization, arrange for studies to be undertaken concerning other financial and fiscal questions of interest to the Organization and to other specialized agencies with a view to the provision

faire des arrangements appropriés pour l'insertion du budget de l'Organisation dans un budget général des Nations Unies. Tout arrangement qui pourrait être conclu à cette fin sera défini dans un accord supplémentaire entre les deux Organisations.

3. Au cours de la préparation du budget de l'Organisation internationale du Travail, celle-ci procédera à des échanges de vues avec les Nations Unies.

4. L'Organisation internationale du Travail convient de communiquer annuellement aux Nations Unies son projet de budget en même temps qu'elle le communique à ses membres. L'Assemblée générale examinera le budget ou le projet de budget de l'Organisation et pourra faire des recommandations à l'Organisation au sujet d'un ou de plusieurs postes dudit budget.

5. Les représentants de l'Organisation internationale du Travail ont le droit de participer, sans droit de vote, aux délibérations de l'Assemblée générale ou de toute commission de celle-ci, en tout temps où sont examinés le budget de l'Organisation ou des questions générales administratives ou financières intéressant l'Organisation.

6. Les Nations Unies pourront entreprendre le recouvrement des contributions des membres de l'Organisation internationale du Travail qui sont également des Membres des Nations Unies, conformément aux arrangements qui, le cas échéant, seraient définis dans un accord ultérieur entre les Nations Unies et l'Organisation internationale du Travail.

7. Les Nations Unies prendront de leur propre initiative, ou sur demande de l'Organisation internationale du Travail, des dispositions pour faire des études sur les questions financières et fiscales intéressant l'Organisation et les autres institutions spécialisées, en vue d'éta-

of common services and the securing of uniformity in such matters.

8. The International Labour Organization agrees to conform as far as may be practicable to standard practices and forms recommended by the United Nations.

ARTICLE 15.—*Financing of special services*

1. In the event of the International Labour Organization being faced with the necessity of incurring substantial extra expense as a result of any request which the United Nations may make for special reports, studies or assistance in accordance with Articles 5, 6 or 7 or with other provisions of this agreement, consultation shall take place with a view to determining the most equitable manner in which such expense shall be borne.

2. Consultation between the United Nations and the International Labour Organization shall similarly take place with a view to making such arrangements as may be found equitable for covering the costs of central administrative, technical or fiscal services or facilities or other special assistance provided by the United Nations.

ARTICLE 16.—*Inter-agency agreements*

The International Labour Organization agrees to inform the Council of the nature and scope of any formal agreement between the International Labour Organization and any other specialized agency or inter-governmental organization and in particular agrees to inform the Council before any such agreement is concluded.

ARTICLE 17.—*Liaison*

1. The United Nations and the International Labour Organization agree to the foregoing provisions in

blir des services communs et d'assurer l'uniformité dans ces domaines.

8. L'Organisation internationale du Travail convient de se conformer, dans la mesure du possible, aux pratiques et aux règles uniformes recommandées par les Nations Unies.

ARTICLE 15.—*Financement des services spéciaux*

1. Dans le cas où l'Organisation internationale du Travail aurait à faire face à des dépenses supplémentaires importantes rendues nécessaires par suite d'une demande de rapports, d'études ou d'assistance spéciale présentée par les Nations Unies, aux termes des articles 5, 6, 7, ou de toute autre disposition du présent Accord, l'Organisation internationale du Travail et les Nations Unies procéderont à des échanges de vues afin de déterminer la façon la plus équitable de faire face à ces dépenses.

2. De même, les Nations Unies et l'Organisation internationale du Travail procéderont à des échanges de vues afin de prendre les dispositions équitables pour couvrir les frais des services centraux administratifs, techniques ou fiscaux ou de toute autre assistance fournie par les Nations Unies.

ARTICLE 16.—*Accords entre institutions*

L'Organisation internationale du Travail convient d'informer le Conseil sur la nature et la portée de tout accord formel entre l'Organisation internationale du Travail et toute autre institution spécialisée ou organisation intergouvernementale, et notamment convient d'informer le Conseil avant de conclure de tels accords.

ARTICLE 17.—*Liaison*

1. Les Nations Unies et l'Organisation internationale du Travail conviennent des dispositions précédentes

the belief that they will contribute to the maintenance of effective liaison between the two organizations. They affirm their intention of taking whatever further measures may be necessary to make this liaison fully effective.

2. The liaison arrangements provided for in the foregoing articles of this Agreement apply as far as appropriate to the relations between such branch or regional offices as may be established by the two organizations as well as between their central machinery.

ARTICLE 18.—*Implementation of the Agreement*

The Secretary-General and the Director may enter into such supplementary arrangements for the implementation of this Agreement as may be found desirable in the light of the operating experience of the two organizations.

ARTICLE 19.—*Revision*

This Agreement shall be subject to revision by agreement between the United Nations and the International Labour Organization.

ARTICLE 20.—*Entry into force*

This Agreement shall come into force on its approval by the General Assembly of the United Nations and the General Conference of the International Labour Organization.

dans l'espoir qu'elles contribueront à assurer une liaison effective entre les deux Organisations. Elles affirment leur intention de prendre toutes les mesures supplémentaires qui pourront être nécessaires pour rendre cette liaison vraiment effective.

2. Les dispositions relatives aux liaisons prévues aux articles précédents du présent Accord s'appliqueront, dans la mesure du possible, tant aux relations entre les branches et les bureaux régionaux que les deux Organisations pourront établir, qu'à leurs organismes centraux.

ARTICLE 18.—*Exécution de l'Accord*

Le Secrétaire général et le Directeur peuvent conclure tous arrangements supplémentaires en vue de l'application du présent Accord, qui peuvent paraître souhaitables à la lumière de l'expérience des deux Organisations.

ARTICLE 19.—*Révision*

Le présent Accord sera sujet à révision par accord entre les Nations Unies et l'Organisation internationale du Travail.

ARTICLE 20.—*Entrée en vigueur*

Le présent Accord entrera en vigueur dès qu'il sera approuvé par l'Assemblée générale des Nations Unies et la Conférence générale de l'Organisation internationale du Travail.

No. 666

DECLARATION on Atomic Energy. Signed at Washington, November 15, 1945.

DÉCLARATION sur l'énergie atomique. Signée à Washington, 15 novembre 1945.

EDITOR'S NOTE. The use of atomic bombs in August 1945 led to international efforts to establish an international control of atomic energy. This Declaration was followed by

an agreement reached at Moscow on December 27, 1945, on a resolution to be submitted to the General Assembly of the United Nations. *U.S. Treaties and Other International Acts Series*, No. 1555, p. 10. The United Nations Atomic Energy Commission was established by the General Assembly on January 24, 1946. U.N. Doc. A/64, p. 9. The main recommendations and specific proposals of the Commission were approved by Resolution 191 (III) of the General Assembly, November 4, 1948. *Official Records of the Third Session of the General Assembly, Part I, Resolutions*, p. 16. For the texts of the three reports of the Commission, see U.N. Docs. AEC/18/Rev. 1, AEC/26, and AEC/31/Rev. 1; U.S. Department of State, Publs. 2737, 2932, and 3179.

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W. R. Austin, "The Atomic Energy Issue in the United Nations," 17 *U.S. Department of State Bulletin* (1947), pp. 1176-80; M. E. Bathurst, "Legal Aspects of the International Control of Atomic Energy," 24 *British Year Book of International Law* (1947), pp. 1-32; B. Brodie, ed., *Absolute Weapon: Atomic Power and World Order* (New York, 1946), 214 pp.; Chatham House Study Group, *Atomic Energy: Its International Implications* (London, 1948), 128 pp.; A. de La Pradelle, "La bombe atomique et la paix du monde," 2 *Cahiers du Monde nouveau* (1945), pp. 819-67; F. Osborn, *Atomic Impasse, 1948* (U.S. Department of State, Publ. 3272, Int. Org. and Conf. Series, III, 14), 48 pp.; E. A. Shils, "The Failure of the United Nations Atomic Energy Commission," 15 *University of Chicago Law Review* (1948), pp. 855-76; J. T. Shotwell, "The United Nations Atomic Energy Commission," 430 *International Conciliation* (1947), pp. 167-288; U.S. Department of State, *A Report on the International Control of Atomic Energy: The Acheson-Lihenlhal Report* (Publ. 2498), 61 pp.; ———, *The International Control of Atomic Energy: Growth of a Policy* (Publ. 2702), 281 pp.; ———, *The International Control of Atomic Energy: Policy at the Crossroads* (Publ. 3161, General Foreign Policy Series 3), 251 pp.; ———, *Atomic Energy and Conventional Armaments* (Publ. 3414, Int. Org. and Conf. Series, III, 23), 57 pp.; H. Wehberg, "Der Amerikanische Plan einer internationalen Kontrolle der Atomenergie," 47 *Friedenswarte* (1947), pp. 5-31; H. E. Wimperis, "Atomic Energy Control: The Present Problem," 24 *International Affairs* (1948), pp. 515-23.

Entered into force November 15, 1945.¹

Text from *U.S. Treaties and Other International Acts Series*, No. 1504.

The President of the United States, the Prime Minister of the United Kingdom, and the Prime Minister of Canada, have issued the following statement.

1. We recognize that the application of recent scientific discoveries to the methods and practice of war has placed at the disposal of mankind means of destruction hitherto unknown, against which there can be no adequate military defence, and in the employment of which no single nation can in fact have a monopoly.

2. We desire to emphasize that the responsibility for devising means to

ensure that the new discoveries shall be used for the benefit of mankind, instead of as a means of destruction, rests not on our nations alone, but upon the whole civilized world. Nevertheless, the progress that we have made in the development and use of atomic energy demands that we take an initiative in the matter, and we have accordingly met together to consider the possibility of international action:

(a) To prevent the use of atomic energy for destructive purposes.

(b) To promote the use of recent and future advances in scientific

¹ Registered with the Secretariat of the United Nations, No. 26, May 20, 1947.

knowledge, particularly in the utilization of atomic energy, for peaceful and humanitarian ends.

3. We are aware that the only complete protection for the civilized world from the destructive use of scientific knowledge lies in the prevention of war. No system of safeguards that can be devised will of itself provide an effective guarantee against production of atomic weapons by a nation bent on aggression. Nor can we ignore the possibility of the development of other weapons, or of new methods of warfare, which may constitute as great a threat to civilization as the military use of atomic energy.

4. Representing as we do, the three countries which possess the knowledge essential to the use of atomic energy, we declare at the outset our willingness, as a first contribution, to proceed with the exchange of fundamental scientific information and the interchange of scientists and scientific literature for peaceful ends with any nation that will fully reciprocate.

5. We believe that the fruits of scientific research should be made available to all nations, and that freedom of investigation and free interchange of ideas are essential to the progress of knowledge. In pursuance of this policy, the basic scientific information essential to the development of atomic energy for peaceful purposes has already been made available to the world. It is our intention that all further information of this character that may become available from time to time shall be similarly treated. We trust that other nations will adopt the same policy, thereby creating an atmosphere of reciprocal confidence in which political agreement and co-operation will flourish.

6. We have considered the question of the disclosure of detailed information concerning the practical industrial application of atomic en-

ergy. The military exploitation of atomic energy depends, in large part, upon the same methods and processes as would be required for industrial uses.

We are not convinced that the spreading of the specialized information regarding the practical application of atomic energy, before it is possible to devise effective, reciprocal, and enforceable safeguards acceptable to all nations, would contribute to a constructive solution of the problem of the atomic bomb. On the contrary we think it might have the opposite effect. We are, however, prepared to share, on a reciprocal basis with others of the United Nations, detailed information concerning the practical industrial application of atomic energy just as soon as effective enforceable safeguards against its use for destructive purposes can be devised.

7. In order to attain the most effective means of entirely eliminating the use of atomic energy for destructive purposes and promoting its widest use for industrial and humanitarian purposes, we are of the opinion that at the earliest practicable date a Commission should be set up under the United Nations Organization to prepare recommendations for submission to the Organization.

The Commission should be instructed to proceed with the utmost dispatch and should be authorized to submit recommendations from time to time dealing with separate phases of its work.

In particular the Commission should make specific proposals:

(a) For extending between all nations the exchange of basic scientific information for peaceful ends,

(b) For control of atomic energy to the extent necessary to ensure its use only for peaceful purposes,

(c) For the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction,

(d) For effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions.

8. The work of the Commission should proceed by separate stages, the successful completion of each one of which will develop the necessary confidence of the world before the next stage is undertaken. Specifically it is considered that the Commission might well devote its attention first to the wide exchange of scientists and scientific information, and as a second stage to the development of full knowledge concerning natural resources of raw materials.

9. Faced with the terrible realities of the application of science to destruction, every nation will realize more urgently than before the overwhelming need to maintain the rule of law among nations and to banish the scourge of war from the earth. This can only be brought about by giving wholehearted support to the United Nations Organization, and by consolidating and extending its authority, thus creating conditions of mutual trust in which all peoples will be free to devote themselves to the arts of peace. It is our firm resolve to work without reservation to achieve these ends.

The City of Washington, The White House, November 15, 1945.

HARRY S. TRUMAN, *President of the United States*
C. R. ATTLEE, *Prime Minister of the United Kingdom*
W. L. MACKENZIE KING, *Prime Minister of Canada*

No. 667

CONSTITUTION of the United Nations Educational, Scientific and Cultural Organization. Opened for signature at London, November 16, 1945.

CONVENTION créant une Organisation des Nations Unies pour l'Éducation, la Science et la Culture. Ouverte à la signature à Londres, 16 novembre 1945.

EDITOR'S NOTE. This Constitution was formulated at a conference held at London, November 1-16, 1945; for the final act of the conference, see *Br. Parl. Papers*, Misc. No. 16 (1945), Cmd. 6711; U.S. Department of State, Publ. 2457, Conference Series, No. 80, p. 11. A previous draft had been prepared by the Conference of Allied Ministers of Education at London in April 1944. 10 *U.S. Department of State Bulletin* (1944), pp. 413-15; 13 *idem* (1945), pp. 165-72. A special instrument establishing a Preparatory Commission was also signed on November 16, 1945. *U.S. Executive Agreement Series*, No. 506. The first session of the General Conference of UNESCO was held at Paris, November 20-December 10, 1946. On November 19, 1946, the General Assembly of the United Nations authorized the transfer to UNESCO of certain activities and assets of the International Institute of Intellectual Cooperation (see No. 539, *ante*). U.N. Doc. A/64/Add. 1, p. 133. UNESCO was recognized as a specialized agency of the United Nations by an agreement of June 4, 1946 (No. 667a, *post*).

ACCEPTANCES. On May 4, 1949, this Constitution had been accepted by Afghanistan, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Canada, China, Colombia, Cuba,

Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, France, Great Britain, Greece, Haiti, Honduras, Hungary, India, Iran, Iraq, Italy, Lebanon, Liberia, Luxemburg, Mexico, Netherlands, New Zealand, Norway, Peru, Philippines, Poland, Saudi Arabia, South Africa, Switzerland, Syria, Thailand, Turkey, United States of America, Uruguay, and Venezuela.

BIBLIOGRAPHY. The text of this Constitution is also published in 4 *U.N. Treaty Series*, p. 275; *British Treaty Series*, No. 50 (1946), Cmd. 6963; Canada, *Treaty Series*, 1945, No. 18. For a German translation, see 46 *Friedenswarte* (1946), p. 239. See also Conference for the Establishment of the UNESCO, [Documents and Minutes], 155 pp.; *The Defenses of Peace: Documents relating to UNESCO* (U. S. Department of State, Publs. 2457 and 2475, Conference Series, Nos. 80 and 81), 31 and 58 pp.

H. J. Abraham, "Conference on the Educational, Scientific and Cultural Organization of the United Nations," 13 *U.S. Department of State Bulletin* (1945), pp. 896-97; —, "The General Conference of UNESCO, Paris," 16 *idem* (1947), pp. 374-77, 398, 645-48, 654; G. V. Allen, "Accomplishments of UNESCO," 18 *idem* (1948), pp. 727-28, 730; W. Benton, "The Role of UNESCO in Our Foreign Policy," 14 *idem*, pp. 625-28; —, "UNESCO: A Proposal to History," 16 *idem*, pp. 662-65, 670; A. de Blonay, "L'Organisation éducative, culturelle et scientifique des Nations Unies," 1 *Schweizerische Gesellschaft für die Vereinigten Nationen, Mitteilungen* (1947), pp. 45-50; E. C. Brunauer, "The General Conference of UNESCO, Paris: The Program in Relation to the United Nations," 16 *U.S. Department of State Bulletin* (1947), pp. 1019-21, 1047; B. Dexter, "UNESCO Faces Two Worlds," 25 *Foreign Affairs* (1947), pp. 388-407; M. Garnett, "UNESCO," 1 *Year Book of World Affairs* (1947), pp. 202-23; J. E. Harley, "UNESCO," 17 *World Affairs Interpreter* (1946), pp. 53-72; J. Huxley, *UNESCO: Its Purpose and Its Philosophy* (London, 1947), 62 pp.; G. N. Kefauver, "Peace Aims Call for International Action in Education," 3 *New Europe* (1943), No. 5, pp. 15-19; —, "Proposed Educational and Cultural Organization," 13 *U.S. Department of State Bulletin* (1945), pp. 407-8; W. G. Leland, "The Background and Antecedents of UNESCO," 90 *Proceedings of the American Philosophical Society* (1946), pp. 295-99; R. E. McMurphy and M. Lee, *The Cultural Approach: Another Way in International Relations* (Chapel Hill, 1947), 280 pp.; J. J. Mayoux, "U.N.E.S.C.O.," 1 *La Coopération intellectuelle internationale* (1946), Nos. 1-2, pp. i-xliii; U. Morra, "L'Organizzazione per l'Educazione, la Scienza e la Cultura," 2 *Comunità internazionale* (1947), pp. 492-502; C. Parry, "UNESCO," 23 *British Year Book of International Law* (1946), pp. 421-29; M. Rothbarth, "Entstehung und Aufgabe der UNESCO," 46 *Friedenswarte* (1946), pp. 304-11; C. M. Thompson, "The Educational, Scientific and Cultural Organization of the United Nations," 21 *Foreign Policy Reports* (1946), pp. 310-20; H. E. Wilson, "International Cultural Cooperation," 415 *International Conciliation* (1945), pp. 707-21; —, "The Development of UNESCO," 431 *idem* (1947), pp. 295-335; —, "UNESCO, 1947 and 1948," 438 *idem* (1948), pp. 71-98; —, *United States National Commission for UNESCO* (New York, 1948), 96 pp.

Entered into force November 4, 1946.¹

Text from *U.S. Treaties and Other International Acts Series*, No. 1580.

The Governments of the States parties to this Constitution on behalf of their peoples declare

that since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed;

Les Gouvernements des Etats parties à la présente Convention au nom de leurs peuples déclarent

que, les guerres prenant naissance dans l'esprit des hommes, c'est dans l'esprit des hommes que doivent être élevées les défenses de la paix;

¹ Registered with the Secretariat of the United Nations, No. 52, June 12, 1947.

that ignorance of each other's ways and lives has been a common cause, throughout the history of mankind, of that suspicion and mistrust between the peoples of the world through which their differences have all too often broken into war;

that the great and terrible war which has now ended was a war made possible by the denial of the democratic principles of the dignity, equality and mutual respect of men, and by the propagation, in their place, through ignorance and prejudice, of the doctrine of the inequality of men and races;

that the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfill in a spirit of mutual assistance and concern;

that a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world, and that the peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind.

For these reasons, the States parties to this Constitution, believing in full and equal opportunities for education for all, in the unrestricted pursuit of objective truth, and in the free exchange of ideas and knowledge, are agreed and determined to develop and to increase the means of communication between their peoples and to employ these means for the purposes of mutual understanding and a truer and more perfect knowledge of each other's lives;

In consequence whereof they do hereby create the United Nations Educational, Scientific and Cultural Organisation for the purpose of advancing, through the educational and scientific and cultural relations

que l'incompréhension mutuelle des peuples a toujours été, au cours de l'histoire, à l'origine de la suspicion et de la méfiance entre nations par où leurs désaccords ont trop souvent dégénéré en guerre;

que la grande et terrible guerre qui vient de finir a été rendue possible par le reniement de l'idéal démocratique de dignité, d'égalité et de respect de la personne humaine et par la volonté de lui substituer, en exploitant l'ignorance et le préjugé, le dogme de l'inégalité des races et des hommes;

que, la dignité de l'homme exigeant la diffusion de la culture et l'éducation de tous en vue de la justice de la liberté et de la paix, il y a là, pour toutes les nations, des devoirs sacrés à remplir dans un esprit de mutuelle assistance;

qu'une paix fondée sur les seuls accords économiques et politiques des Gouvernements ne saurait entraîner l'adhésion unanime, durable et sincère des peuples et que, par conséquent, cette paix doit être établie sur le fondement de la solidarité intellectuelle et morale de l'humanité.

Pour ces motifs les Etats signataires de cette Convention, résolus à assurer à tous le plein et égal accès à l'éducation, la libre poursuite de la vérité objective et le libre échange des idées et des connaissances, décident de développer et de multiplier les relations entre leurs peuples, en vue de se mieux comprendre et d'acquérir une connaissance plus précise et plus vraie de leurs coutumes respectives.

En conséquence ils créent par les présentes l'Organisation des Nations Unies pour l'Éducation, la Science et la Culture afin d'atteindre graduellement, par la coopération des Nations du monde dans les domaines de

of the peoples of the world, the objectives of international peace and of the common welfare of mankind for which the United Nations Organisation was established and which its Charter proclaims.

ARTICLE I.—*Purposes and Functions*

1. The purpose of the Organisation is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations.

2. To realise this purpose the Organisation will:

(a) collaborate in the work of advancing the mutual knowledge and understanding of peoples, through all means of mass communication and to that end recommend such international agreements as may be necessary to promote the free flow of ideas by word and image;

(b) give fresh impulse to popular education and to the spread of culture:

by collaborating with Members, at their request, in the development of educational activities;

by instituting collaboration among the nations to advance the ideal of equality of educational opportunity without regard to race, sex or any distinctions, economic or social:

by suggesting educational methods best suited to prepare the children of the world for the responsibilities of freedom;

(c) maintain, increase and diffuse knowledge:

by assuring the conservation and protection of the world's inheritance of books, works of art and monuments of history and science, and recommending to the nations con-

l'éducation, de la science et de la culture, les buts de paix internationale et de prospérité commune de l'humanité en vue desquels l'Organisation des Nations Unies a été constituée, et que sa Charte proclame.

ARTICLE I.—*Buts et Fonctions*

1. L'Organisation se propose de contribuer au maintien de la paix et de la sécurité en resserrant, par l'éducation, la science et la culture, la collaboration entre nations, afin d'assurer le respect universel de la justice, de la loi, des droits de l'homme et des libertés fondamentales pour tous, sans distinction de race, de sexe, de langue ou de religion, que la Charte des Nations Unies reconnaît à tous les peuples.

2. A ces fins, l'Organisation:

a) favorise la connaissance et la compréhension mutuelle des nations en prêtant son concours aux organes d'information des masses; elle recommande à cet effet tels accords internationaux qu'elle juge utiles pour faciliter la libre circulation des idées, par le mot et par l'image;

b) imprime une impulsion vigoureuse à l'éducation populaire et à la diffusion de la culture:

en collaborant avec les Etats Membres que le désirent pour les aider à développer leur action éducatrice;

en instituant la collaboration des nations afin de réaliser graduellement l'idéal d'une chance égale d'éducation pour tous, sans distinction de race, de sexe ni d'aucune condition économique ou sociale;

en suggérant des méthodes d'éducation convenables pour préparer les enfants du monde entier aux responsabilités de l'homme libre;

c) aide au maintien, à l'avancement et à la diffusion du savoir:

en veillant à la conservation et protection du patrimoine universel de livres, d'oeuvres d'art et d'autres monuments d'intérêt historique ou scientifique, et en recommandant

cerned the necessary international conventions;

by encouraging cooperation among the nations in all branches of intellectual activity, including the international exchange of persons active in the fields of education, science and culture and the exchange of publications, objects of artistic and scientific interest and other materials of information;

by initiating methods of international cooperation calculated to give the people of all countries access to the printed and published materials produced by any of them.

3. With a view to preserving the independence, integrity and fruitful diversity of the cultures and educational systems of the States Members of this Organisation, the Organisation is prohibited from intervening in matters which are essentially within their domestic jurisdiction.

ARTICLE 2.—*Membership*

1. Membership of the United Nations Organisation shall carry with it the right to membership of the United Nations Educational, Scientific and Cultural Organisation.

2. Subject to the conditions of the agreement between this Organisation and the United Nations Organisation, approved pursuant to Article 10 of this Constitution, States not members of the United Nations Organisation may be admitted to membership of the Organisation, upon recommendation of the Executive Board, by a two-thirds majority vote of the General Conference.

3. Members of the Organisation which are suspended from the exercise of the rights and privileges of membership of the United Nations Organisation shall, upon the request of the latter, be suspended from the rights and privileges of this Organisation.

4. Members of the Organisation which are expelled from the United

aux peuples intéressés des conventions internationales à cet effet;

en encourageant la coopération entre nations dans toutes les branches de l'activité intellectuelle, l'échange international de représentants de l'éducation, de la science et de la culture ainsi que celui de publications, d'oeuvres d'art, de matériel de laboratoire et de toute documentation utile;

en facilitant par des méthodes de coopération internationale appropriées l'accès de tous les peuples à ce que chacun d'eux publie.

3. Soucieuse d'assurer aux Etats Membres de la présente Organisation l'indépendance, l'intégrité et la féconde diversité de leurs cultures et de leurs systèmes d'éducation, l'Organisation s'interdit d'intervenir en aucune matière relevant essentiellement de leur juridiction intérieure.

ARTICLE 2.—*Membres*

1. Les Etats membres de l'Organisation des Nations Unies possèdent le droit de faire partie de l'Organisation des Nations Unies pour l'Education, la Science et la Culture.

2. Sous réserve des termes de l'accord à intervenir entre la présente Organisation et l'Organisation des Nations Unies, approuvé conformément à l'Article 10 de la présente Convention, les Etats non membres de l'Organisation des Nations Unies peuvent être admis comme membres de l'Organisation sur recommandation du Conseil Exécutif, par la Conférence Générale votant à la majorité des deux tiers.

3. Les Etats membres de l'Organisation suspendus de l'exercice de leurs droits et privilèges de membres de l'Organisation des Nations Unies, seront sur la demande de cette dernière suspendus des droits et privilèges inhérents à la qualité de membre.

4. Les Etats membres de l'Organisation cessent *ipso facto* d'en

Nations Organisation shall automatically cease to be members of this Organisation.

ARTICLE 3.—*Organs*

The Organisation shall include a General Conference, an Executive Board and a Secretariat.

ARTICLE 4.—*The General Conference*

A.—*Composition*

1. The General Conference shall consist of the representatives of the States Members of the Organisation. The Government of each Member State shall appoint not more than five delegates, who shall be selected after consultation with the National Commission, if established, or with educational, scientific and cultural bodies.

B.—*Functions*

2. The General Conference shall determine the policies and the main lines of work of the Organisation. It shall take decisions on programmes drawn up by the Executive Board.

3. The General Conference shall, when it deems it desirable, summon international conferences on education, the sciences and humanities and the dissemination of knowledge.

4. The General Conference shall, in adopting proposals for submission to the Member States, distinguish between recommendations and international conventions submitted for their approval. In the former case a majority vote shall suffice; in the latter case a two-thirds majority shall be required. Each of the Member States shall submit recommendations or conventions to its competent authorities within a period of one year from the close of the session of the General Conference at which they were adopted.

5. The General Conference shall advise the United Nations Organisation on the educational, scientific

être membres s'ils sont exclus de l'Organisation des Nations Unies.

ARTICLE 3.—*Organes*

L'Organisation comprend une Conférence générale, un Conseil exécutif et un Secrétariat.

ARTICLE 4.—*La Conférence générale*

A.—*Composition*

1. La Conférence générale se compose des représentants des Etats membres de l'Organisation. Le Gouvernement de chaque Etat Membre nomme au plus cinq représentants choisis après consultation avec le Comité National, s'il en existe, ou avec les institutions et corps éducatifs, scientifiques et culturels.

B.—*Fonctions*

2. La Conférence générale détermine l'orientation et la ligne de conduite générale de l'Organisation. Elle se prononce sur les programmes établis par le Conseil exécutif.

3. La Conférence générale convoque, s'il y a lieu, des conférences internationales sur l'éducation, les sciences, les humanités et la diffusion du savoir.

4. Quand elle se prononce pour l'adoption de projets à soumettre aux Etats Membres, la Conférence générale doit distinguer entre les recommandations aux Etats Membres et les conventions internationales à ratifier par les Etats Membres. Dans le premier cas, la majorité simple suffit; dans le second, une majorité des deux tiers est requise. Chacun des Etats Membres soumettra les recommandations ou conventions aux autorités nationales compétentes dans le délai d'un an à partir de la clôture de la session de la Conférence générale au cours de laquelle elles auront été adoptées.

5. La Conférence générale conseille l'Organisation des Nations Unies sur les aspects éducatifs, scien-

and cultural aspects of matters of concern to the latter, in accordance with the terms and procedure agreed upon between the appropriate authorities of the two Organisations.

6. The General Conference shall receive and consider the reports submitted periodically by Member States as provided by Article 8.

7. The General Conference shall elect the members of the Executive Board and, on the recommendation of the Board, shall appoint the Director-General.

C.—*Voting*

8. Each Member State shall have one vote in the General Conference. Decisions shall be made by a simple majority except in cases in which a two-thirds majority is required by the provisions of this Constitution. A majority shall be a majority of the Members present and voting.

D.—*Procedure*

9. The General Conference shall meet annually in ordinary session; it may meet in extraordinary session on the call of the Executive Board. At each session the location of its next session shall be designated by the General Conference and shall vary from year to year.

10. The General Conference shall, at each session, elect a President and other officers and adopt rules of procedure.

11. The General Conference shall set up special and technical committees and such other subordinate bodies as may be necessary for its purposes.

12. The General Conference shall cause arrangements to be made for public access to meetings, subject to such regulations as it shall prescribe.

E.—*Observers*

13. The General Conference, on the recommendation of the Executive Board and by a two-thirds

tifiques et culturels des questions intéressant les Nations Unies, dans les conditions et suivant la procédure qui auront été adoptées par les autorités compétentes des deux Organisations.

6. La Conférence générale reçoit et examine les rapports qui lui sont soumis périodiquement par les Etats Membres, conformément à l'Article 8.

7. La Conférence générale élit les membres du Conseil exécutif; elle nomme le Directeur Général sur présentation du Conseil exécutif.

C.—*Vote*

8. Chaque Etat Membre dispose d'une voix à la Conférence générale. Les décisions sont prises à la majorité simple, sauf dans les cas où les dispositions de la présente Convention exigent une majorité des deux tiers. Par majorité, il faut entendre la majorité des membres présents et votant.

D.—*Procédure*

9. La Conférence générale se réunit chaque année en session ordinaire; elle peut se réunir en session extraordinaire sur convocation du Conseil exécutif. Au cours de chaque session la Conférence fixe le siège de la session suivante; ce siège change chaque année.

10. La Conférence générale, à chaque session, élit son président et son bureau et adopte son règlement intérieur.

11. La Conférence générale crée les commissions tant spéciales que techniques et autres organismes subsidiaires qui peuvent être nécessaires à l'exécution de sa tâche.

12. Des dispositions seront prises pour que le public puisse assister aux délibérations, sous réserve des dispositions du règlement intérieur.

E.—*Observateurs*

13. La Conférence générale, votant à la majorité des deux tiers, sur la recommandation du Conseil exé-

majority may, subject to its rules of procedure, invite as observers at specified sessions of the Conference or of its commissions representatives of international organisations, such as those referred to in Article II, paragraph 4.

ARTICLE 5.—*Executive Board*

A.—*Composition*

1. The Executive Board shall consist of eighteen members elected by the General Conference from among the delegates appointed by the Member States, together with the President of the Conference who shall sit *ex officio* in an advisory capacity.

2. In electing the members of the Executive Board the General Conference shall endeavour to include persons competent in the arts, the humanities, the sciences, education and the diffusion of ideas, and qualified by their experience and capacity to fulfil the administrative and executive duties of the Board. It shall also have regard to the diversity of cultures and a balanced geographical distribution. Not more than one national of any Member State shall serve on the Board at any one time, the President of the Conference excepted.

3. The elected members of the Executive Board shall serve for a term of three years, and shall be immediately eligible for a second term, but shall not serve consecutively for more than two terms. At the first election eighteen members shall be elected of whom one third shall retire at the end of the first year and one third at the end of the second year, the order of retirement being determined immediately after the election by the drawing of lots. Thereafter six members shall be elected each year.

cutif, et sous réserve du règlement intérieur, peut inviter comme observateurs à des sessions déterminées de la Conférence ou de ses commissions, des représentants d'organisations internationales, notamment de celles qui sont visées à l'article II, paragraphe 4.

ARTICLE 5.—*Conseil exécutif*

A.—*Composition*

1. Le Conseil exécutif est composé de dix huit membres élus par la Conférence générale parmi les délégués nommés par les Etats Membres ainsi que du Président de la Conférence qui siège *ès-qualité* avec voix consultative.

2. En procédant à l'élection des membres du Conseil exécutif, la Conférence générale s'efforcera d'y faire figurer des personnalités compétentes dans le domaine des arts, des lettres, des sciences, de l'éducation et de la diffusion de la pensée, et ayant l'expérience et la compétence nécessaire pour remplir les fonctions administratives et exécutives qui incombent au Conseil. Elle tiendra compte également de la diversité des cultures et d'une répartition géographique équitable. Il ne pourra jamais y avoir en même temps au Conseil exécutif plus d'un ressortissant d'un même Etat Membre, le Président de la Conférence n'entrant pas en compte.

3. Les membres élus du Conseil exécutif conservent leurs fonctions pendant une durée de trois ans; ils sont immédiatement rééligibles pour un second mandat, mais ils ne peuvent siéger plus de deux termes consécutifs. A la première élection, dix huit membres seront élus parmi lesquels un tiers se retirera à l'expiration de la première année de mandat et un tiers à l'expiration de la deuxième, l'ordre de sortie étant déterminé par tirage au sort immédiatement après l'élection. Par la suite, six membres seront élus chaque année.

4. In the event of the death or resignation of one of its members, the Executive Board shall appoint, from among the delegates of the Member State concerned, a substitute, who shall serve until the next session of the General Conference which shall elect a member for the remainder of the term.

B.—*Functions*

5. The Executive Board, acting under the authority of the General Conference, shall be responsible for the execution of the programme adopted by the Conference and shall prepare its agenda and programme of work.

6. The Executive Board shall recommend to the General Conference the admission of new Members to the Organisation.

7. Subject to decisions of the General Conference, the Executive Board shall adopt its own rules of procedure. It shall elect its officers from among its members.

8. The Executive Board shall meet in regular session at least twice a year and may meet in special session if convoked by the Chairman on his own initiative or upon the request of six members of the Board.

9. The Chairman of the Executive Board shall present to the General Conference, with or without comment, the annual report of the Director-General on the activities of the Organisation, which shall have been previously submitted to the Board.

10. The Executive Board shall make all necessary arrangements to consult the representatives of international organisations or qualified persons concerned with questions within its competence.

11. The members of the Executive Board shall exercise the powers delegated to them by the General Conference on behalf of the Conference

4. En cas de décès ou de démission d'un des membres, le Conseil exécutif désigne parmi les délégués de l'Etat Membre intéressé, un suppléant qui siégera jusqu'à la plus prochaine session de la Conférence générale, laquelle élira un titulaire pour la portion du mandat restant à courir.

B.—*Fonctions*

5. Le Conseil exécutif, agissant sous l'autorité de la Conférence générale, est responsable devant elle de l'exécution du programme adopté par la Conférence. Il prépare l'ordre du jour des réunions de la Conférence et le programme de travail qui est soumis à celle-ci.

6. Le Conseil exécutif recommande à la Conférence générale l'admission de nouveaux Membres dans l'Organisation.

7. Sous réserve des décisions de la Conférence générale, le Conseil exécutif établit son règlement intérieur. Il élit, parmi ses membres, son bureau.

8. Le Conseil exécutif se réunit en session ordinaire au moins deux fois par an; il peut se réunir en session extraordinaire sur convocation de son Président à l'initiative de celui-ci, ou à la demande de six membres du Conseil.

9. Le Président du Conseil exécutif présente à la Conférence générale, avec ou sans commentaires, le rapport annuel du Directeur Général sur l'activité de l'Organisation, préalablement soumis au Conseil.

10. Le Conseil exécutif prend toutes dispositions utiles pour consulter les représentants des organismes internationaux ou les personnalités qualifiées qui s'occupent de questions relevant de sa compétence.

11. Les membres du Conseil exécutif exercent les pouvoirs qui leur sont délégués par la Conférence générale, au nom de la Conférence

as a whole and not as representatives of their respective Governments.

tout entière et non comme représentants de leurs gouvernements respectifs.

ARTICLE 6.—*Secretariat*

1. The Secretariat shall consist of a Director-General and such staff as may be required.

2. The Director-General shall be nominated by the Executive Board and appointed by the General Conference for a period of six years, under such conditions as the Conference may approve, and shall be eligible for re-appointment. He shall be the chief administrative officer of the Organisation.

3. The Director-General, or a deputy designated by him, shall participate, without the right to vote, in all meetings of the General Conference, of the Executive Board, and of the committees of the Organisation. He shall formulate proposals for appropriate action by the Conference and the Board.

4. The Director-General shall appoint the staff of the Secretariat in accordance with staff regulations to be approved by the General Conference. Subject to the paramount consideration of securing the highest standards of integrity, efficiency and technical competence, appointment to the staff shall be on as wide a geographical basis as possible.

5. The responsibilities of the Director-General and of the staff shall be exclusively international in character. In the discharge of their duties they shall not seek or receive instructions from any government or from any authority external to the Organisation. They shall refrain from any action which might prejudice their position as international officials. Each State Member of the Organisation undertakes to respect the international character of the responsibilities of the Director-General and the staff, and not to seek to

ARTICLE 6.—*Secrétariat*

1. Le Secrétariat se compose d'un Directeur Général et du personnel reconnu nécessaire.

2. Le Directeur Général est proposé par le Conseil exécutif et nommé par la Conférence générale pour une période de six ans, aux conditions qui seront approuvées par la Conférence. Sa nomination est renouvelable. Le Directeur Général est le plus haut fonctionnaire de l'Organisation.

3. Le Directeur Général ou, à son défaut, le remplaçant qu'il aura désigné, prend part, sans droit de vote, à toutes les réunions de la Conférence générale, du Conseil exécutif et des commissions de l'Organisation. Il formule des propositions en vue des mesures à prendre par la Conférence et le Conseil.

4. Le Directeur Général nomme le personnel du Secrétariat conformément au statut du personnel qui devra être soumis à l'approbation de la Conférence générale. Sous réserve de réunir les plus hautes qualités d'intégrité, d'efficacité et de compétence technique, le personnel devra être recruté sur une base géographique aussi large que possible.

5. Les responsabilités du Directeur Général et du personnel ont un caractère exclusivement international. Dans l'accomplissement de leurs devoirs, ils ne demanderont ni ne recevront d'instructions d'aucun Gouvernement ni d'aucune autorité étrangère à l'Organisation. Ils s'abstiendront de tout acte de nature à compromettre leur situation de fonctionnaires internationaux. Tous les Etats membres de l'Organisation s'engagent à respecter le caractère international des fonctions du Directeur Général et du

influence them in the discharge of their duties.

6. Nothing in this Article shall preclude the Organisation from entering into special arrangements within the United Nations Organisation for common services and staff and for the interchange of personnel.

ARTICLE 7.—*National Co-operating Bodies*

1. Each Member State shall make such arrangements as suit its particular conditions for the purpose of associating its principal bodies interested in educational, scientific and cultural matters with the work of the Organisation, preferably by the formation of a National Commission broadly representative of the Government and such bodies.

2. National Commissions or national co-operating bodies, where they exist, shall act in an advisory capacity to their respective delegations to the General Conference and to their Governments in matters relating to the Organisation and shall function as agencies of liaison in all matters of interest to it.

3. The Organisation may, on the request of a Member State, delegate, either temporarily or permanently, a member of its Secretariat to serve on the National Commission of that State, in order to assist in the development of its work.

ARTICLE 8.—*Reports by Member States*

Each Member State shall report periodically to the Organisation, in a manner to be determined by the General Conference, on its laws, regulations and statistics relating to educational, scientific and cultural

personnel et à ne pas chercher à les influencer dans l'accomplissement de leur tâche.

6. Aucune des dispositions de cet article ne saurait empêcher l'Organisation de passer, dans le cadre de l'Organisation des Nations Unies, des accords spéciaux pour la constitution de services communs et le recrutement de personnel commun ainsi que pour l'échange de personnel.

ARTICLE 7.—*Comités nationaux de coopération*

1. Chaque Etat Membre prendra les dispositions appropriées à sa situation particulière pour associer aux travaux de l'Organisation les principaux groupes nationaux qui s'intéressent aux problèmes d'éducation, de recherche scientifique et de culture, de préférence en constituant une Commission nationale où seront représentés le Gouvernement et ces différents groupes.

2. Dans les pays où il en existe les Commissions nationales ou les organismes nationaux de coopération remplissent un rôle consultatif auprès de leur Délégation nationale à la Conférence générale et auprès de leur Gouvernement pour tous les problèmes se rapportant à l'Organisation. Ils jouent le rôle d'organe de liaison pour toutes les questions qui intéressent l'Organisation.

3. Sur la demande d'un Etat Membre, l'Organisation peut déléguer, à titre temporaire ou permanent, auprès de la Commission nationale de cet Etat, un membre de son Secrétariat pour collaborer aux travaux de cette Commission.

ARTICLE 8.—*Présentation de rapports par les Etats Membres*

Chaque Etat Membre adresse à l'Organisation un rapport périodique, sous la forme que déterminera la Conférence générale, sur les lois, règlements et statistiques relatifs à ses institutions et à son activité dans

life and institutions, and on the action taken upon the recommendations and conventions referred to in Article 4, paragraph 4.

ARTICLE 9.—*Budget*

1. The budget shall be administered by the Organisation.

2. The General Conference shall approve and give final effect to the budget and to the apportionment of financial responsibility among the States Members of the Organisation subject to such arrangement with the United Nations as may be provided in the agreement to be entered into pursuant to Article 10.

3. The Director-General, with the approval of the Executive Board, may receive gifts, bequests, and subventions directly from governments, public and private institutions, associations and private persons.

ARTICLE 10.—*Relations with the United Nations Organisation*

This Organisation shall be brought into relation with the United Nations Organisation, as soon as practicable, as one of the specialised agencies referred to in Article 57 of the Charter of the United Nations. This relationship shall be effected through an agreement with the United Nations Organisation under Article 63 of the Charter, which agreement shall be subject to the approval of the General Conference of this Organisation. The agreement shall provide for effective cooperation between the two Organisations in the pursuit of their common purposes, and at the same time shall recognise the autonomy of this Organisation, within the fields of its competence as defined in this Constitution. Such agreement may, among other matters, provide for the approval and financing of the budget of the Organisation by the

l'ordre de l'éducation, de la science et de la culture ainsi que sur la suite donnée aux recommandations et conventions visées à l'Article 4, paragraphe 4.

ARTICLE 9.—*Budget*

1. Le budget est administré par l'Organisation.

2. La Conférence générale approuve définitivement le budget et fixe la participation financière de chacun des Etats Membres, sous réserve des dispositions qui pourront être prévues en cette matière par la convention conclue avec l'Organisation des Nations Unies conformément à l'article 10 de la présente Convention.

3. Le Directeur Général peut, avec l'approbation du Conseil exécutif, recevoir directement tous dons, legs et subventions provenant de Gouvernements, d'institutions publiques ou privées, d'associations ou de particuliers.

ARTICLE 10.—*Relations avec l'Organisation des Nations Unies*

L'Organisation sera reliée, dès que possible, à l'Organisation des Nations Unies. Elle en constituera l'une des institutions spécialisées prévues à l'article 57 de la Charte des Nations Unies. Ces relations feront l'objet d'un accord avec l'Organisation des Nations Unies conformément aux dispositions de l'article 63 de la Charte. Cet accord sera soumis, pour approbation, à la Conférence Générale de la présente Organisation. Il devra fournir les moyens d'établir une coopération effective entre les deux organisations, dans la poursuite de leurs fins communes. Il consacrerá, en même temps, l'autonomie de l'Organisation dans le domaine de sa compétence particulière, tel qu'il est défini dans la présente Convention. Cet accord pourra notamment contenir toutes dispositions concernant l'approbation du budget et le financement de

General Assembly of the United Nations.

ARTICLE II.—*Relations with other specialised international Organisations and agencies*

1. This Organisation may co-operate with other specialised inter-governmental organisations and agencies whose interests and activities are related to its purposes. To this end the Director-General, acting under the general authority of the Executive Board, may establish effective working relationships with such organisations and agencies and establish such joint committees as may be necessary to assure effective co-operation. Any formal arrangements entered into with such organisations or agencies shall be subject to the approval of the Executive Board.

2. Whenever the General Conference of this Organisation and the competent authorities of any other specialised intergovernmental organisations or agencies whose purposes and functions lie within the competence of this Organisation, deem it desirable to effect a transfer of their resources and activities to this Organisation, the Director-General, subject to the approval of the Conference, may enter into mutually acceptable arrangements for this purpose.

3. This Organisation may make appropriate arrangements with other intergovernmental organisations for reciprocal representation at meetings.

4. The United Nations Educational, Scientific and Cultural Organisation may make suitable arrangements for consultation and cooperation with nongovernmental international organisations concerned with matters within its competence, and may invite them to undertake specific tasks. Such co-operation may also include appropriate par-

l'Organisation par l'Assemblée générale des Nations Unies.

ARTICLE II.—*Relations avec d'autres organisations et institutions internationales spécialisées*

1. L'Organisation peut coopérer avec d'autres organisations et institutions intergouvernementales spécialisées, dont les tâches et activités sont en harmonie avec les siennes. A cet effet, le Directeur Général peut, sous la haute autorité du Conseil exécutif, établir des relations effectives avec ces organisations et institutions et constituer les commissions mixtes jugées nécessaires pour assurer une coopération efficace. Tout accord passé avec ces organisations ou institutions spécialisées sera soumis à l'approbation du Conseil exécutif.

2. Toutes les fois que la Conférence générale et les autorités compétentes de toute autre organisation ou institution intergouvernementale spécialisée poursuivant des activités et des objectifs analogues, jugeront souhaitable de transférer à l'Organisation les ressources et fonctions de ladite organisation ou institution, le Directeur Général pourra, sous réserve de l'approbation de la Conférence, conclure, à la satisfaction des deux parties, les accords nécessaires.

3. L'Organisation peut, d'un commun accord avec d'autres organisations intergouvernementales, prendre des dispositions appropriées pour s'assurer une représentation à leurs réunions respectives.

4. L'Organisation des Nations Unies pour l'Education, la Science et la Culture peut prendre toutes dispositions utiles pour faciliter les consultations et assurer la coopération avec les organisations internationales privées s'occupant de questions qui entrent dans son domaine. Elle peut les inviter à entreprendre certaines tâches déter-

ticipation by representatives of such organisations on advisory committees set up by the General Conference.

ARTICLE 12.—*Legal status of the Organisation*

The provisions of Articles 104 and 105 of the Charter of the United Nations Organisation concerning the legal status of that Organisation, its privileges and immunities shall apply in the same way to this Organisation.

ARTICLE 13.—*Amendments*

1. Proposals for amendments to this Constitution shall become effective upon receiving the approval of the General Conference by a two-thirds majority; provided, however, that those amendments which involve fundamental alterations in the aims of the Organisation or new obligations for the Member States shall require subsequent acceptance on the part of two-thirds of the Member States before they come into force. The draft texts of proposed amendments shall be communicated by the Director-General to the Member States at least six months in advance of their consideration by the General Conference.

2. The General Conference shall have power to adopt by a two-thirds majority rules of procedure for carrying out the provisions of this Article.

ARTICLE 14.—*Interpretation*

1. The English and French texts of this Constitution shall be regarded as equally authoritative.

2. Any question or dispute concerning the interpretation of this Constitution shall be referred for determination to the International Court of Justice or to an arbitral tribunal, as the General Conference

minées rentrant dans leur compétence. Cette coopération peut également prendre la forme d'une participation appropriée de représentants desdites organisations aux travaux de comités consultatifs créés par la Conférence générale.

ARTICLE 12.—*Statut juridique de l'Organisation*

Les dispositions des Articles 104 et 105 de la Charte de l'Organisation des Nations Unies relatives au statut juridique de cette Organisation, à ses privilèges et immunités, s'appliquent également à la présente organisation.

ARTICLE 13.—*Amendements*

1. Les projets d'amendements à la présente Convention prendront effet lorsqu'ils auront été adoptés par la Conférence générale à la majorité des deux tiers; néanmoins, les amendements entraînant des modifications fondamentales dans les buts de l'Organisation ou des obligations nouvelles pour les Etats Membres, devront être ensuite acceptés par les deux tiers des Etats Membres avant d'entrer en vigueur. Le texte des projets d'amendements sera communiqué aux Etats Membres par le Directeur Général six mois au moins avant d'être soumis à l'examen de la Conférence générale.

2. La Conférence générale aura pouvoir d'adopter à la majorité des deux tiers un règlement en vue de l'application des dispositions du présent article.

ARTICLE 14.—*Interprétation*

1. Les textes anglais et français de la présente Convention font également foi.

2. Toutes questions et tous différends relatifs à l'interprétation de la présente Convention seront soumis pour décision à la Cour Internationale de Justice ou à un tribunal arbitral, selon ce que décidera la

may determine under its rules of procedure.

ARTICLE 15.—*Entry into force*

1. This Constitution shall be subject to acceptance. The instruments of acceptance shall be deposited with the Government of the United Kingdom.

2. This Constitution shall remain open for signature in the archives of the Government of the United Kingdom. Signature may take place either before or after the deposit of the instrument of acceptance. No acceptance shall be valid unless preceded or followed by signature.

3. This Constitution shall come into force when it has been accepted by twenty of its signatories. Subsequent acceptances shall take effect immediately.

4. The Government of the United Kingdom will inform all members of the United Nations of the receipt of all instruments of acceptance and of the date on which the Constitution comes into force in accordance with the preceding paragraph.

IN FAITH WHEREOF, the undersigned, duly authorised to that effect, have signed this Constitution in the English and French languages, both texts being equally authentic.

Done in London the sixteenth day of November, 1945 in a single copy, in the English and French languages, of which certified copies will be communicated by the Government of the United Kingdom to the Governments of all the Members of the United Nations.

Conférence générale conformément à son règlement intérieur.

ARTICLE 15.—*Entrée en vigueur*

1. La présente Convention sera soumise à acceptation. Les instruments d'acceptation seront déposés auprès du Gouvernement du Royaume-Uni.

2. La présente Convention sera déposée dans les archives du Gouvernement du Royaume-Uni où elle restera ouverte à la signature. Les signatures pourront être apposées avant ou après le dépôt des instruments d'acceptation. L'acceptation ne sera valable que si elle est précédée ou suivie d'une signature.

3. La présente Convention entrera en vigueur lorsqu'elle aura été acceptée par vingt de ses signataires. Les acceptations ultérieures prendront effet immédiatement.

4. Le Gouvernement du Royaume-Uni notifiera à tous les Membres de l'Organisation des Nations Unies la réception de tous les instruments d'acceptation et la date à laquelle la Convention entrera en vigueur conformément au paragraphe précédent.

EN FOI DE QUOI les soussignés, dûment autorisés à cet effet, ont signé la présente Convention dans les langues anglaise et française, les deux textes faisant également foi.

Fait à Londres, le seize Novembre 1945, en un seul exemplaire dans les langues anglaise et française. Des copies dûment certifiées conformes seront remises par le Gouvernement du Royaume-Uni aux Gouvernements de tous les Etats membres des Nations Unies.

[Signed:] **Argentine Republic**, CONRADO TRAVERSO; **Belgium**, A. BUISSET; **Bolivia**, C. SALAMANCA; **Brazil**, MONIZ DE ARAGAO; **Canada**, VINCENT MASSEY; **Chile**, FRANCISCO WALKER LINARES; **China**, HU SHIH; **Colombia**, J. J. ARANGO; **Cuba**, LUIS MARINO PÉREZ; **Czechoslovakia**, JAN OPOCENSKY; **Denmark**, ALB. MICHELSEN; the **Dominican Republic**, A. PASTORIZA; **Ecuador**, ALB. PUIG; **Egypt**, A. FATTAH AH. AMR; **Greece**, TH. AGHNIDES; **Guatemala**, M. GALICH; **Haiti**, LEON LALEAU; **India**, JOHN SARGENT; **Iran**, A. A. HEKMAT; **Iraq**, NAJI AL ASIL; **Lebanon**, CAMILLE CHAMOUN; **Liberia**,

J. W. PEARSON; Luxembourg, A. ALS; Mexico, J. T. BODET; The Netherlands, V. D. LEEUW; Nicaragua, ERNESTO SELVA; Norway, NILS HJELM-TVEIT; Panama, E. A. MORALES; Peru, E. LETTS; The Philippines, MAXIMO M. KALAW; Poland, BERNARD DRZEWIESKI; Saudi Arabia, HAFIZ WAHBA; Syria, N. ARMANAZI; Turkey, YÜCEL; The Union of South Africa, G. HEATON NICHOLLS; the United Kingdom of Great Britain and Northern Ireland, ELLEN WILKINSON; Uruguay, R. E. MACEACHEN; Venezuela, A. RODRIGUEZ ASPURUA; Yugoslavia, DR. LJUBO LEONTIC.

No. 667a

Agreement between the United Nations and the United Nations Educational, Scientific and Cultural Organization. Signed at New York, June 4, 1946.

Accord entre les Nations Unies et l'Organisation des Nations Unies pour l'Education, la Science et la Culture. Signé à New-York, 4 juin 1946.

EDITOR'S NOTE. This Agreement was approved by the General Conference of the United Nations Educational, Scientific and Cultural Organization on December 6, 1946, and by the General Assembly of the United Nations on December 14, 1946. A protocol concerning the entry into force of the Agreement was signed at New York, February 3, 1947. 1 *U.N. Treaty Series*, p. 233. A supplementary agreement concerning the use of the United Nations *laissez-passer* was signed on June 14 and July 10, 1948. U.N. Doc. A/615.

Entered into force December 14, 1946.¹

Text supplied by the Secretariat of the United Nations.

1. Article 57 of the Charter of the United Nations provides that specialized agencies, established by inter-governmental agreement and having wide international responsibilities as defined in their basic instruments in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations.

2. Articles 10 and 4, paragraph B, sub-paragraph 5, of the constitution establishing the United Nations Educational, Scientific and Cultural Organization provide that this Organization shall be brought into relation with the United Nations as

1. L'Article 57 de la Charte des Nations Unies prévoit que les diverses institutions spécialisées créées par accords intergouvernementaux et pourvues, aux termes de leurs statuts, d'attributions internationales étendues dans les domaines économique, social, de la culture intellectuelle et de l'éducation, de la santé publique et autres domaines connexes, seront reliées aux Nations Unies.

2. L'article 10 et l'article 4, paragraphe B, alinéa 5, de l'acte constitutif de l'Organisation des Nations Unies pour l'Education, la Science et la Culture, prévoient que cette Organisation sera reliée aux Nations Unies dans le plus bref délai possible

¹ Filed with the Secretariat of the United Nations, under No. 11, February 3, 1947.

soon as practicable, as one of the specialized agencies referred to in Article 57 of the Charter of the United Nations, with the function of advising the United Nations on the educational, scientific and cultural aspects of matters of concern to the latter.

Therefore the United Nations and the United Nations Educational, Scientific and Cultural Organization agree as follows:

ARTICLE I

The United Nations recognizes the United Nations Educational, Scientific and Cultural Organization (UNESCO) as a specialized agency responsible for taking such action as may be appropriate under its basic instrument for the accomplishment of the purposes set forth therein.

ARTICLE 2.—*Admission of States not members of the United Nations*

Applications submitted by States not members of the United Nations for admission to the United Nations Educational, Scientific and Cultural Organization shall be immediately transmitted by the secretariat of the Organization to the Economic and Social Council of the United Nations (hereinafter called the Council). The Council may recommend the rejection of such applications and any such recommendation shall be accepted by the Organization. If, within six months of the receipt of an application by the Council, no such recommendation has been made, the application shall be dealt with according to article 2, paragraph 2, of the constitution of the Organization.

ARTICLE 3.—*Reciprocal representation*

1. Representatives of the United Nations shall be invited to attend

en qualité d'institution spécialisée mentionnée dans l'Article 57 de la Charte des Nations Unies, et qu'elle sera investie des fonctions de conseiller des Nations Unies pour tout ce qui concerne les questions d'éducation, de science et de culture intéressant les Nations Unies.

En conséquence, les Nations Unies et l'Organisation des Nations Unies pour l'Education, la Science et la Culture conviennent de ce qui suit:

ARTICLE I

L'Organisation des Nations Unies pour l'Education, la Science et la Culture (UNESCO) est reconnue par les Nations Unies en tant qu'institution spécialisée chargée de prendre toutes les mesures conformes aux termes de son acte constitutif en vue d'atteindre les buts fixés par cet acte.

ARTICLE 2.—*Admission des Etats non membres des Nations Unies*

Les demandes d'admission à l'Organisation des Nations Unies pour l'Education, la Science et la Culture, émanant des Etats non membres des Nations Unies, seront immédiatement transmises par les soins du Secrétariat de l'Organisation au Conseil économique et social des Nations Unies (désigné ci-dessous par le terme "Conseil"); le Conseil pourra recommander le rejet de cette demande et l'Organisation sera tenue de déférer à cette recommandation. Si, dans un délai de six mois à compter de la réception de cette demande par le Conseil, celui-ci n'a pas émis une telle recommandation, la procédure d'admission se déroulera dans les conditions prévues à l'article 2, paragraphe 2, de l'acte constitutif de l'Organisation des Nations Unies pour l'Education, la Science et la Culture.

ARTICLE 3.—*Représentation réciproque*

1. Des représentants des Nations Unies seront invités à assister aux

the meetings of the General Conference of the United Nations Educational, Scientific and Cultural Organization and its committees, the Executive Board and its committees, and such general, regional or other special meetings as the Organization may convene, and to participate, without vote, in the deliberations of these bodies.

2. Representatives of the United Nations Educational, Scientific and Cultural Organization shall be invited to attend meetings of the Economic and Social Council and of its commissions and committees and to participate, without vote, in the deliberations of these bodies with respect to items on their agenda relating to educational, scientific and cultural matters.

3. Representatives of the United Nations Educational, Scientific and Cultural Organization shall be invited to attend meetings of the General Assembly of the United Nations for the purposes of consultation on educational, scientific and cultural matters.

4. Representatives of the United Nations Educational, Scientific and Cultural Organization shall be invited to attend meetings of the main committees of the General Assembly when educational, scientific or cultural matters are under discussion, and to participate, without vote, in such discussions.

5. Representatives of the United Nations Educational, Scientific and Cultural Organization shall be invited to attend the meetings of the Trusteeship Council of the United Nations and to participate, without vote, in the deliberations thereof, with respect to items on the agenda relating to educational, scientific and cultural matters.

6. Written statements of the United Nations Educational, Scientific and Cultural Organization shall be dis-

réunions de la Conférence générale de l'Organisation des Nations Unies pour l'Éducation, la Science et la Culture et de ses commissions, ainsi qu'à celles du Conseil exécutif et de ses comités, et de toutes les conférences générales, régionales ou spéciales, convoquées par l'Organisation et à participer, sans droit de vote, aux délibérations de ces organes.

2. Des représentants de l'Organisation des Nations Unies pour l'Éducation, la Science et la Culture seront invités à assister aux réunions du Conseil économique et social des Nations Unies, de ses commissions et de ses comités et à participer, sans droit de vote, aux délibérations de ces organes quand il est traité des questions relatives à l'éducation, à la science et à la culture, qui sont inscrites à l'ordre du jour.

3. Des représentants de l'Organisation des Nations Unies pour l'Éducation, la Science et la Culture, seront invités à assister aux réunions de l'Assemblée générale des Nations Unies pour y être consultés sur les questions relatives à l'éducation, à la science et à la culture.

4. Des représentants de l'Organisation des Nations Unies pour l'Éducation, la Science et la Culture seront invités à assister aux réunions des commissions principales de l'Assemblée générale lorsque des questions relatives à l'éducation, à la science et à la culture y seront discutées, et à participer sans droit de vote à ces discussions.

5. Des représentants de l'Organisation des Nations Unies pour l'Éducation, la Science et la Culture seront invités à assister aux réunions du Conseil de tutelle des Nations Unies et à participer, sans droit de vote, aux délibérations de ces organes quand il y est traité de questions relatives à l'éducation, à la science et à la culture, qui sont inscrites à l'ordre du jour.

6. Le Secrétariat des Nations Unies assurera la distribution de toute communication écrite de l'Or-

tributed by the Secretariat of the United Nations to all Members of the General Assembly, the Council and its commissions, and the Trusteeship Council as appropriate.

ARTICLE 4.—*Proposal of agenda items*

Subject to such preliminary consultation as may be necessary, the United Nations Educational, Scientific and Cultural Organization shall include on the agenda of the General Conference or Executive Board items proposed to it by the United Nations. Similarly, the Council and its commissions and the Trusteeship Council shall include on their agenda items proposed by the General Conference or Executive Board of the Organization.

ARTICLE 5.—*Recommendations of the United Nations*

1. The United Nations Educational, Scientific and Cultural Organization, having regard to the obligation of the United Nations to promote the objectives set forth in Article 55 of the Charter and the function and power of the Council, under Article 62 of the Charter, to make or initiate studies and reports with respect to international economic, social, cultural, educational, health and related matters and to make recommendations concerning these matters to the specialized agencies concerned, and having regard also to the responsibility of the United Nations, under Articles 58 and 63 of the Charter, to make recommendations for the co-ordination of the policies and activities of such specialized agencies, agrees to arrange for the submission, as soon as possible, to the appropriate organ of the Organization, of all formal recommendations which the United Nations may make to it.

ganisation à tous les membres de l'Assemblée générale, du Conseil et de ses commissions, et du Conseil de tutelle, selon le cas.

ARTICLE 4.—*Inscription de questions à l'ordre du jour*

Sous réserve des consultations préliminaires qui pourraient être nécessaires, l'Organisation des Nations Unies pour l'Education, la Science et la Culture inscrira à l'ordre du jour de la Conférence générale ou du Conseil exécutif les questions qui lui seront soumises par les Nations Unies. Réciproquement, le Conseil et ses commissions, ainsi que le Conseil de tutelle, inscriront à leur ordre du jour les questions soumises par la Conférence générale ou le Conseil exécutif de l'Organisation.

ARTICLE 5.—*Recommandations des Nations Unies*

1. L'Organisation des Nations Unies pour l'Education, la Science et la Culture, eu égard à l'obligation des Nations Unies de favoriser la réalisation des objectifs prévus à l'Article 55 de la Charte, et aux fonctions et pouvoirs du Conseil prévus à l'Article 62 de la Charte, de faire ou de provoquer des études et des rapports sur des questions internationales économiques, sociales, de la culture, de l'éducation et de la santé publique et autres domaines connexes et d'adresser des recommandations sur toutes ces questions aux institutions spécialisées; et eu égard également à la mission des Nations Unies, aux termes des Articles 58 et 63 de la Charte, de faire des recommandations en vue de coordonner les programmes et activités des institutions spécialisées, convient de prendre toutes mesures en vue de soumettre, dans le plus bref délai, à son organe compétent, toute recommandation formelle que les Nations Unies pourraient lui adresser.

2. The United Nations Educational, Scientific and Cultural Organization agrees to enter into consultation with the United Nations upon request with respect to such recommendations, and in due course to report to the United Nations on the action taken by the Organization or by its members to give effect to such recommendations, or on the other results of their consideration.

3. The United Nations Educational, Scientific and Cultural Organization affirms its intention of co-operating in whatever further measures may be necessary to make co-ordination of the activities of specialized agencies and those of the United Nations, fully effective. In particular, it agrees to participate in, and to co-operate with, any body or bodies which the Council may establish for the purpose of facilitating such co-ordination and to furnish such information as may be required for the carrying out of this purpose.

ARTICLE 6.—*Exchange of information and documents*

1. Subject to such arrangements as may be necessary for the safeguarding of confidential material, the fullest and promptest exchange of information and documents shall be made between the United Nations and the United Nations Educational, Scientific and Cultural Organization.

2. Without prejudice to the generality of the provisions of paragraph 1:

(a) the United Nations Educational, Scientific and Cultural Organization agrees to transmit to the United Nations regular reports on the activities of the Organization;

(b) the United Nations Educational, Scientific and Cultural Organization agrees to comply to the

2. L'Organisation des Nations Unies pour l'Education, la Science et la Culture procédera à des échanges de vues avec les Nations Unies, à leur demande, au sujet de ces recommandations et fera rapport, en temps opportun, aux Nations Unies, sur les mesures prises par l'Organisation ou par ses Membres en vue de donner effet à ces recommandations, ou sur tous autres résultats qui auraient suivi la prise en considération de ces recommandations.

3. L'Organisation des Nations Unies pour l'Education, la Science et la Culture affirme son intention de collaborer à toutes mesures nécessaires en vue d'assurer la coordination effective des activités des institutions spécialisées et des Nations Unies. Notamment, elle convient de participer à tout organe que le Conseil pourrait créer en vue de faciliter cette coordination, de co-opérer avec ces organes et de fournir les informations qui pourraient être nécessaires dans l'accomplissement de cette tâche.

ARTICLE 6.—*Echange d'informations et de documents*

1. Sous réserve des mesures qui pourraient être nécessaires pour sauvegarder le caractère confidentiel de certains documents, les Nations Unies et l'Organisation des Nations Unies pour l'Education, la Science et la Culture procéderont à l'échange le plus complet et le plus rapide d'informations et de documents.

2. Sans porter préjudice au caractère général des dispositions du paragraphe 1:

a) L'Organisation des Nations Unies pour l'Education, la Science et la Culture convient de fournir aux Nations Unies des rapports réguliers sur ses activités;

b) L'Organisation des Nations Unies pour l'Education, la Science et la Culture convient de donner suite,

fullest extent practicable with any request which the United Nations may make for the furnishing of special reports, studies or information, subject to the conditions set forth in article 17;

(c) the Secretary-General shall, upon request, consult with the Director-General regarding the provision to the United Nations Educational, Scientific and Cultural Organization of such information as may be of special interest to the Organization.

ARTICLE 7.—*Public information*

Having regard to the functions of the United Nations Educational, Scientific and Cultural Organization, as defined in article 1, paragraphs 2 (a) and (c), of its constitution, to collaborate in the work of advancing the mutual knowledge and understanding of peoples through all means of mass communication, and with a view to co-ordinating the activities of the Organization in this field with the operations of the information services of the United Nations, a subsidiary agreement regarding these matters shall be concluded as soon as possible after the coming into force of the present agreement.

ARTICLE 8.—*Assistance to the Security Council*

The United Nations Educational, Scientific and Cultural Organization agrees to co-operate with the Economic and Social Council in furnishing such information and rendering such assistance to the Security Council as that Council may request, including assistance in carrying out decisions of the Security Council for the maintenance or restoration of international peace and security.

dans toute la mesure du possible, à toute demande de rapports spéciaux, d'études ou d'informations présentée par les Nations Unies, sous réserve des dispositions de l'article 17;

c) Le Secrétaire général procédera avec le Directeur général, à la demande de celui-ci à des échanges de vues afin de fournir à l'Organisation des Nations Unies pour l'Education, la Science et la Culture les informations intéressant spécialement l'Organisation.

ARTICLE 7.—*Information*

Compte tenu de ce que, d'une part, l'Organisation des Nations Unies pour l'Education, la Science et la Culture a pour mission, aux termes de l'article 1, paragraphe 2, alinéas a) et c) de son acte constitutif, de collaborer au développement de la connaissance et de la compréhension mutuelle des peuples en prêtant son concours aux organes d'information des masses, et que, d'autre part, il importe de coordonner les activités de l'Organisation dans ce domaine avec celles des services d'information des Nations Unies, l'Organisation et les Nations Unies conviennent de conclure, après l'entrée en vigueur du présent Accord et dans le plus bref délai possible, un accord complémentaire qui déterminera les conditions de cette coordination.

ARTICLE 8.—*Assistance au Conseil de sécurité*

L'Organisation des Nations Unies pour l'Education, la Science et la Culture convient de coopérer avec le Conseil économique et social en fournissant telles informations et telle assistance que le Conseil de sécurité pourrait demander, y compris l'assistance destinée à permettre l'application des décisions du Conseil de sécurité pour le maintien ou le rétablissement de la paix et de la sécurité internationales.

ARTICLE 9.—*Assistance to the Trusteeship Council*

The United Nations Educational, Scientific and Cultural Organization agrees to co-operate with the Trusteeship Council in the carrying out of its functions and in particular agrees that it will, to the greatest extent possible, render such assistance as the Trusteeship Council may request in regard to matters with which the Organization is concerned.

ARTICLE 10.—*Non-self-governing territories*

The United Nations Educational, Scientific and Cultural Organization agrees to co-operate with the United Nations in giving effect to the principles and obligations set forth in chapter XI of the Charter with regard to matters affecting the well-being and development of the peoples of non-self-governing territories.

ARTICLE 11.—*Relations with the International Court of Justice*

1. The United Nations Educational, Scientific and Cultural Organization agrees to furnish any information which may be requested by the International Court of Justice in pursuance of Article 34 of the Statute of the Court.

2. The General Assembly authorized the United Nations Educational, Scientific and Cultural Organization to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its activities other than questions concerning the mutual relationships of the Organization and the United Nations or other specialized agencies.

3. Such request may be addressed to the Court by the General Conference or by the Executive Board acting in pursuance of an authorization by the Conference.

ARTICLE 9.—*Assistance au Conseil de tutelle*

L'Organisation des Nations Unies pour l'Education, la Science et la Culture convient de coopérer avec le Conseil de tutelle dans l'accomplissement de ses fonctions et, notamment, de fournir au Conseil de tutelle, dans toute la mesure du possible, telle assistance qu'il pourrait lui demander au sujet des questions intéressant l'Organisation.

ARTICLE 10.—*Territoires non autonomes*

L'Organisation des Nations Unies pour l'Education, la Science et la Culture convient de coopérer avec les Nations Unies à la mise en œuvre des principes et obligations prévus au Chapitre XI de la Charte en ce qui concerne les questions affectant le bien-être et le développement des peuples des territoires non autonomes.

ARTICLE 11.—*Relations avec la Cour internationale de Justice*

1. L'Organisation des Nations Unies pour l'Education, la Science et la Culture convient de fournir toutes informations qui lui seraient demandées par la Cour internationale de Justice, conformément à l'Article 34 du Statut de la Cour.

2. L'Assemblée générale autorise l'Organisation des Nations Unies pour l'Education, la Science et la Culture à demander des avis consultatifs à la Cour internationale de Justice sur des questions juridiques qui se poseraient dans le cadre de son activité, à l'exception de celles concernant les relations réciproques entre l'Organisation des Nations Unies pour l'Education, la Science et la Culture et les Nations Unies ou d'autres institutions spécialisées.

3. La demande peut être adressée à la Cour par la Conférence générale ou par le Conseil exécutif autorisé par la Conférence.

4. When requesting the International Court of Justice to give an advisory opinion the United Nations Educational, Scientific and Cultural Organization shall inform the Economic and Social Council of the request.

ARTICLE 12.—*Regional offices*

Any regional or branch offices which the United Nations Educational, Scientific and Cultural Organization may establish shall, so far as practicable, be closely associated with such regional or branch offices as the United Nations may establish.

ARTICLE 13.—*Personnel arrangements*

1. The United Nations and the United Nations Educational, Scientific and Cultural Organization recognize that the eventual development of a single unified international civil service is desirable from the standpoint of effective administrative co-ordination, and with this end in view agree to develop common personnel standards, methods and arrangements designed to avoid serious discrepancies in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate interchange of personnel in order to obtain the maximum benefit from their services.

2. The United Nations and the United Nations Educational, Scientific and Cultural Organization agree to co-operate to the fullest extent possible in achieving these ends and in particular they agree to:

(a) consult together concerning the establishment of an International Civil Service Commission to advise on the means by which common standards of recruitment in the secretariats of the United Nations and

4. Au moment de présenter à la Cour internationale de Justice une demande d'avis consultatif, l'Organisation des Nations Unies pour l'Education, la Science et la Culture informera le Conseil économique et social de la demande.

ARTICLE 12.—*Bureaux régionaux*

Dans la mesure du possible, les bureaux régionaux ou locaux que l'Organisation des Nations Unies pour l'Education, la Science et la Culture pourrait établir seront en rapports étroits avec les bureaux régionaux ou locaux que les Nations Unies pourraient établir.

ARTICLE 13.—*Arrangements concernant le personnel*

1. Les Nations Unies et l'Organisation des Nations Unies pour l'Education, la Science et la Culture reconnaissent que le développement futur d'un service civil international unifié est souhaitable du point de vue d'une coordination administrative efficace, et, à cette fin, conviennent de concourir à l'établissement de règles communes concernant le personnel, les méthodes et les arrangements destinés tant à éviter de graves inégalités dans les conditions d'emploi, ainsi qu'une concurrence dans le recrutement du personnel, qu'à faciliter l'échange de membres du personnel en vue de retirer le maximum d'avantages de leurs services.

2. Les Nations Unies et l'Organisation des Nations Unies pour l'Education, la Science et la Culture conviennent de coopérer, dans la plus large mesure possible, en vue d'atteindre ce but; et, notamment, elles conviennent:

a) De procéder à des échanges de vues au sujet de l'établissement d'une Commission de service civil international, chargée de donner des conseils sur les moyens permettant d'assurer les règles communes pour le

of the specialized agencies may be ensured;

(b) consult together concerning other matters relating to the employment of their officers and staff, including conditions of service, duration of appointments, classification, salary scales and allowances, retirement and pension rights and staff regulations and rules with a view to securing as much uniformity in these matters as shall be found practicable;

(c) co-operate in the interchange of personnel when desirable on a temporary or permanent basis, making due provision for the retention of seniority and pension rights;

(d) co-operate in the establishment and operation of suitable machinery for the settlement of disputes arising in connexion with the employment of personnel and related matters.

ARTICLE 14.—*Statistical services*

1. The United Nations and the United Nations Educational, Scientific and Cultural Organization agree to strive for maximum co-operation, the elimination of all undesirable duplication between them, and the most efficient use of their technical personnel in their respective collection, analysis, publication and dissemination of statistical information. They agree to combine their efforts to secure the greatest possible usefulness and utilization of statistical information and to minimize the burdens placed upon national governments and other organizations from which such information may be collected.

2. The United Nations Educational, Scientific and Cultural Organization recognizes the United Na-

recrutement du personnel des secrétariats des Nations Unies et des institutions spécialisées;

b) De procéder à des échanges de vues au sujet des questions relatives à l'emploi des fonctionnaires et du personnel, y compris les conditions de service, la durée des nominations, les catégories du personnel, l'échelle des traitements et des indemnités, la retraite et les droits à pension, ainsi que les règles et les règlements du personnel, afin d'assurer autant d'uniformité qu'il sera possible dans ce domaine;

c) De coopérer par des échanges de personnel, lorsque cela sera souhaitable, sur une base soit temporaire, soit permanente, en prenant soin de garantir le respect de l'ancienneté et les droits à pension;

d) De coopérer à l'établissement et à la mise en œuvre d'un mécanisme approprié pour le règlement des litiges concernant l'emploi du personnel et les questions s'y rattachant.

ARTICLE 14.—*Services de statistique*

1. Les Nations Unies et l'Organisation des Nations Unies pour l'Éducation, la Science et la Culture conviennent de réaliser une coopération aussi complète que possible, d'éviter le double emploi superflu et d'utiliser avec la plus grande efficacité leur personnel technique dans leurs activités respectives pour recueillir, analyser, publier et diffuser les informations statistiques. Les Nations Unies et l'Organisation conviennent de mettre leurs efforts en commun en vue d'assurer la plus grande utilité et le plus grand usage possibles de leurs informations statistiques et de réduire au minimum les charges des gouvernements et de toutes autres organisations auprès desquels de telles informations seront recueillies.

2. L'Organisation des Nations Unies pour l'Éducation, la Science et la Culture reconnaît que les Nations

tions as the central agency for the collection, analysis, publication, standardization and improvement of statistics serving the general purposes of international organizations.

3. The United Nations recognizes the United Nations Educational, Scientific and Cultural Organization as the appropriate agency for the collection, analysis, publication, standardization and improvement of statistics within its special sphere, without prejudice to the right of the United Nations to concern itself with such statistics so far as they may be essential for its own purposes or for the improvement of statistics throughout the world.

4. The United Nations shall develop administrative instruments and procedures through which effective statistical co-operation may be secured between the United Nations and the agencies brought into relationship with it.

5. It is recognized as desirable that the collection of statistical information should not be duplicated by the United Nations or any of the specialized agencies whenever it is practicable for any of them to utilize information or materials which another may have available.

6. In order to build up a central collection of statistical information for general use, it is agreed that data supplied to the United Nations Educational, Scientific and Cultural Organization for incorporation in its basic statistical series or special reports should, so far as practicable, be made available to the United Nations.

ARTICLE 15.—*Administrative and technical services*

1. The United Nations and the United Nations Educational, Scientific and Cultural Organization recognize the desirability, in the interest of administrative and technical uni-

Unies constituent l'organisme central chargé de recueillir, analyser, publier, unifier et améliorer les statistiques servant aux buts généraux des organisations internationales.

3. L'Organisation des Nations Unies pour l'Education, la Science et la Culture est reconnue par les Nations Unies comme étant l'organisme approprié chargé de recueillir, analyser, publier, unifier et améliorer les statistiques dans son propre domaine, sans qu'il soit porté préjudice au droit des Nations Unies de s'intéresser à de telles statistiques pour autant qu'elles sont essentielles à la poursuite de leurs propres buts et au développement des statistiques à travers le monde.

4. Les Nations Unies établiront les instruments administratifs et la procédure au moyen desquels pourra être assurée une coopération efficace concernant les statistiques entre les Nations Unies et les institutions qui leur sont reliées.

5. Il est reconnu souhaitable que les informations statistiques ne soient pas rassemblées simultanément par les Nations Unies et par toutes autres institutions spécialisées chaque fois qu'il est possible d'utiliser les informations ou la documentation qu'une autre institution peut fournir.

6. Afin d'établir un centre où les informations statistiques destinées à un usage général seront rassemblées, il est convenu que les données fournies à l'Organisation des Nations Unies pour l'Education, la Science et la Culture pour être insérées dans ses séries statistiques de base et ses rapports spéciaux seront, dans la mesure du possible, mises à la disposition des Nations Unies.

ARTICLE 15.—*Services administratifs et techniques*

1. Les Nations Unies et l'Organisation des Nations Unies pour l'Education, la Science et la Culture reconnaissent que, afin d'unifier les méthodes administratives et techniques

formity and of the most efficient use of personnel and resources, of avoiding, whenever possible, the establishment and operation of competitive or overlapping facilities and services among the United Nations and the specialized agencies.

2. Accordingly, the United Nations and the United Nations Educational, Scientific and Cultural Organization agree to consult together concerning the establishment and use of common administrative and technical services and facilities in addition to those referred to in articles 13, 14 and 16, in so far as the establishment and use of such services may from time to time be found practicable and appropriate.

3. Arrangements shall be made between the United Nations and the United Nations Educational, Scientific and Cultural Organization in regard to the registration and deposit of official documents.

ARTICLE 16.—*Budgetary and financial arrangements*

1. The United Nations Educational, Scientific and Cultural Organization recognizes the desirability of establishing close budgetary and financial relationships with the United Nations in order that the administrative operations of the United Nations and of the specialized agencies shall be carried out in the most efficient and economical manner possible, and that the maximum measure of co-ordination and uniformity with respect to these operations shall be secured.

2. The United Nations and the United Nations Educational, Scientific and Cultural Organization agree to co-operate to the fullest extent possible in achieving these ends and, in particular, shall consult together concerning appropriate arrangements for the inclusion of the budget of the Organization within a general budget of the United Nations. Such arrangements shall be defined in a

et de faire le meilleur usage possible du personnel et des ressources, il est souhaitable d'éviter, au sein des Nations Unies et des institutions spécialisées, la création de services qui se fassent concurrence ou qui fassent double emploi.

2. En conséquence, les Nations Unies et l'Organisation des Nations Unies pour l'Education, la Science et la Culture conviennent de procéder à des échanges de vues dans le but d'établir des services administratifs et techniques communs, en plus de ceux qui sont mentionnés aux articles 13, 14 et 16, sauf à réviser périodiquement l'opportunité du maintien de tels services.

3. Les Nations Unies et l'Organisation des Nations Unies pour l'Education, la Science et la Culture prendront toutes dispositions convenables concernant l'enregistrement et le dépôt des documents officiels.

ARTICLE 16.—*Arrangements budgétaires et financiers*

1. L'Organisation des Nations Unies pour l'Education, la Science et la Culture reconnaît qu'il serait souhaitable que d'étroites relations budgétaires et financières s'établissent avec les Nations Unies afin que les travaux administratifs des Nations Unies et des institutions spécialisées soient menés à bien de la manière la plus efficace et la plus économique possible et que le maximum de co-ordination et d'uniformité dans ces travaux soit assuré.

2. Les Nations Unies et l'Organisation des Nations Unies pour l'Education, la Science et la Culture conviennent de coopérer dans toute la mesure du possible pour atteindre ces objectifs et notamment de procéder à des échanges de vues afin de conclure les arrangements appropriés pour l'insertion du budget de l'Organisation dans un budget général des Nations Unies. Ces arrange-

supplementary agreement between the two organizations.

3. Pending the conclusion of such agreement, the following arrangements shall govern budgetary and financial relationships between the United Nations and the United Nations Educational, Scientific and Cultural Organization:

(a) In the preparation of the budget of the United Nations Educational, Scientific and Cultural Organization, the Organization shall consult with the United Nations.

(b) The United Nations Educational, Scientific and Cultural Organization agrees to transmit its proposed budget to the United Nations annually at the same time as such budget is transmitted to its members. The General Assembly shall examine the budget or proposed budget of the Organization and may make recommendations to it concerning any item or items contained therein.

(c) Representatives of the United Nations Educational, Scientific and Cultural Organization shall be entitled to participate, without vote, in the deliberations of the General Assembly or any committee thereof at all times when the budget of the Organization or general administrative or financial questions affecting the Organization are under consideration.

(d) The United Nations may undertake the collection of contributions from those members of the United Nations Educational, Scientific and Cultural Organization which are also Members of the United Nations in accordance with such arrangements as may be defined by a later agreement between the United Nations and the Organization.

(e) The United Nations shall, upon its own initiative or upon the request of the United Nations Edu-

ments seront définis dans un accord complémentaire entre les deux Organisations.

3. En attendant la conclusion de cet accord, les dispositions suivantes régleront les relations budgétaires et financières entre les Nations Unies et l'Organisation des Nations Unies pour l'Education, la Science et la Culture:

a) Au cours de la préparation du budget de l'Organisation des Nations Unies pour l'Education, la Science et la Culture, celle-ci procédera à des échanges de vues avec les Nations Unies.

b) L'Organisation des Nations Unies pour l'Education, la Science et la Culture convient de communiquer annuellement aux Nations Unies son projet de budget en même temps qu'elle le communiquera à ses membres. L'Assemblée générale examinera le budget ou le projet de budget de l'Organisation et pourra faire des recommandations à l'Organisation au sujet d'un ou de plusieurs postes dudit budget.

c) Les représentants de l'Organisation des Nations Unies pour l'Education, la Science et la Culture ont le droit de participer, sans droit de vote, aux délibérations de l'Assemblée générale ou d'une de ses commissions toutes les fois que sont examinés le budget de l'Organisation ou des questions générales administratives ou financières intéressant l'Organisation.

d) Les Nations Unies pourront entreprendre le recouvrement des contributions des membres de l'Organisation des Nations Unies pour l'Education, la Science et la Culture, qui sont également Membres des Nations Unies, conformément aux arrangements qui seront définis, s'il y a lieu, dans un accord ultérieur entre les Nations Unies et l'Organisation.

e) Les Nations Unies prendront de leur propre initiative, ou à la requête de l'Organisation des Na-

cational, Scientific and Cultural Organization, arrange for studies to be undertaken concerning other financial and fiscal questions of interest to the Organization and to other specialized agencies with a view to the provision of common services and the securing of uniformity in such matters.

(f) The United Nations Educational, Scientific and Cultural Organization agrees to conform, as far as may be practicable, to standard practices and forms recommended by the United Nations.

ARTICLE 17.—*Financing of special services*

1. In the event of the United Nations Educational, Scientific and Cultural Organization being faced with the necessity of incurring substantial extra expense as a result of any request which the United Nations may make for special reports, studies or assistance in accordance with articles 7, 8, or 9 or with other provisions of this agreement, consultation shall take place with a view to determining the most equitable manner in which such expense shall be borne.

2. Consultation between the United Nations and the United Nations Educational, Scientific and Cultural Organization shall similarly take place with a view to making such arrangements as may be found equitable for covering the costs of central administrative, technical or fiscal services or facilities or other special assistance provided by the United Nations.

ARTICLE 18.—*Inter-agency agreements*

The United Nations Educational, Scientific and Cultural Organization agrees to inform the Council of the nature and scope of any formal agree-

tions Unies pour l'Education, la Science et la Culture des dispositions pour entreprendre des études sur les questions financières et fiscales intéressant l'Organisation et les autres institutions spécialisées, en vue d'établir des services communs et d'assurer l'uniformité dans ces domaines;

f) L'Organisation des Nations Unies pour l'Education, la Science et la Culture convient de se conformer, dans la mesure du possible, aux pratiques et aux règles uniformes recommandées par les Nations Unies.

ARTICLE 17.—*Financement des services spéciaux*

1. Dans le cas où l'Organisation des Nations Unies pour l'Education, la Science et la Culture aurait à faire face à des dépenses supplémentaires importantes rendues nécessaires, par suite d'une demande de rapports, d'études ou d'assistance spéciale présentée par les Nations Unies, aux termes des articles 7, 8 ou 9, ou de toute autre disposition du présent accord, l'Organisation des Nations Unies pour l'Education, la Science et la Culture et les Nations Unies procéderont à des échanges de vues afin de déterminer la façon la plus équitable de faire face à ces dépenses.

2. De même, les Nations Unies et l'Organisation des Nations Unies pour l'Education, la Science et la Culture procéderont à des échanges de vues afin de prendre les dispositions équitables pour couvrir les frais des services centraux administratifs, techniques ou fiscaux ou de toute autre assistance fournie par les Nations Unies.

ARTICLE 18.—*Accords entre institutions*

L'Organisation des Nations Unies pour l'Education, la Science et la Culture convient d'informer le Conseil de la nature et de la portée de

ment between the Organization and any other specialized agency, inter-governmental or non-governmental organization, and in particular agrees to inform the Council before any such agreement is concluded.

ARTICLE 19.—*Liaison*

1. The United Nations and the United Nations Educational, Scientific and Cultural Organization agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective liaison between the two organizations. They affirm their intention of taking whatever further measures may be necessary to make this liaison fully effective.

2. The liaison arrangements provided for in the foregoing articles of this agreement shall apply as far as appropriate to the relations between such branch or regional offices as may be established by the two organizations as well as between their central machinery.

ARTICLE 20.—*Implementation of the agreement*

The Secretary-General and the Director-General may enter into such supplementary arrangements for the implementation of this agreement as may be found desirable in the light of the operating experience of the two organizations.

ARTICLE 21.—*Revision*

This agreement shall be subject to revision by agreement between the United Nations and the United Nations Educational, Scientific and Cultural Organization, and shall be reviewed not later than three years after the agreement has come into force.

ARTICLE 22.—*Entry into force*

This agreement shall come into force on its approval by the General Assembly of the United Nations and

tout accord formel qu'elle concluerait avec toute autre institution spécialisée ou organisation intergouvernementale ou non gouvernementale et, notamment, de l'informer avant de conclure de tels accords.

ARTICLE 19.—*Liaison*

1. Les Nations Unies et l'Organisation des Nations Unies pour l'Éducation, la Science et la Culture conviennent des dispositions précédentes dans l'espoir qu'elles contribueront à assurer une liaison effective entre les deux Organisations. Elles affirment leur intention de prendre toutes les mesures supplémentaires qui pourront être nécessaires pour rendre cette liaison vraiment efficace.

2. Les dispositions relatives aux liaisons prévues aux articles précédents du présent Accord s'appliqueront, dans la mesure du possible, tant aux relations entre les bureaux régionaux et locaux que les deux Organisations pourront établir, qu'aux relations entre leurs administrations centrales.

ARTICLE 20.—*Exécution de l'Accord*

Le Secrétaire général et le Directeur général peuvent conclure tous arrangements complémentaires, en vue d'appliquer le présent Accord, qui peuvent paraître souhaitables à la lumière de l'expérience des deux Organisations.

ARTICLE 21.—*Révision*

Le présent accord sera sujet à révision par entente entre les Nations Unies et l'Organisation des Nations Unies pour l'Éducation, la Science et la Culture, et il sera révisé trois ans au plus tard après son entrée en vigueur.

ARTICLE 22.—*Entrée en vigueur*

Le présent accord entrera en vigueur dès qu'il aura été approuvé par l'Assemblée générale des Na-

the General Conference of the United Nations Educational, Scientific and Cultural Organization.

tions Unies et la Conférence générale de l'Organisation des Nations Unies pour l'Éducation, la Science et la Culture.

No. 668

AGREEMENT concerning Telecommunications. Signed at Bermuda, December 4, 1945.

ACCORD des télécommunications. Signé aux Bermudes, 4 décembre 1945.

EDITOR'S NOTE. This Agreement was concluded at the Bermuda Telecommunications Conference, November 21–December 4, 1945. An American-British protocol was signed at the same time, with respect to exclusive telecommunications arrangements. *U.S. Treaties and Other International Acts Series*, No. 1518, p. 10; *British Treaty Series*, No. 16 (1946), Cmd. 6836. Various general and regional telecommunications and radio agreements were concluded in recent years; see, e.g., Nos. 316, 511, 540, 546, 557, 574–577, 622, 663, *ante*.

RATIFICATIONS. On March 29, 1946, acceptances of this Agreement had been received by the British Government from all signatory states. It was also accepted by Burma in June 1946.

BIBLIOGRAPHY. The text of this Agreement is also published in 9 *U.N. Treaty Series*, p. 101; *British Treaty Series*, No. 17 (1946), Cmd. 6837; Canada, *Treaty Series*, 1945, No. 14; 13 *Journal des télécommunications* (1946), p. 237.

H. G. Kelly, "The Bermuda Telecommunications Conference," 14 *U.S. Department of State Bulletin* (1946), pp. 59–61.

Entered into force March 29, 1946.¹

Text from *U.S. Treaties and Other International Acts Series*, No. 1518.

The Delegations of the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, Union of South Africa, India, and Southern Rhodesia, assembled in Conference in Bermuda from November 21 to December 4, 1945, have reached agreement as follows:

ARTICLE I

RADIOTELEGRAPH CIRCUITS

Section 1.—Existing direct radiotelegraph circuits

(i) *United Kingdom*: The circuits between the United States and the

United Kingdom shall be retained, subject to examination as to the number required and to consultation between the two Governments before any of these circuits is discontinued.

(ii) *Australia, New Zealand and India*: One circuit shall be retained between the United States and each of these countries.

(iii) *Bermuda*: Both circuits between the United States and Bermuda may be retained, subject to the agreement of the Government of Bermuda.

(iv) *The Gambia, the Gold Coast and British Guiana*: The circuits

¹ Registered with the Secretariat of the United Nations, No. 128, October 31, 1947.

between the United States and these British Colonies shall be discontinued.

Section 2.—New direct radiotelegraph circuits

(i) *South Africa*: The Governments of the United States and of the Union of South Africa shall promptly undertake a joint study to determine whether traffic and other conditions justify the establishment of a direct circuit between the two countries.

(ii) *Jamaica*: One direct circuit shall be established between the United States and Jamaica, subject to the agreement of the Government of Jamaica.

(iii) *Palestine*: One direct circuit shall be established between the United States and Palestine, subject to the agreement of the Palestine Government.

(iv) *Ceylon, Federated Malay States (Singapore) and Hong Kong*: The Government of the United Kingdom in consultation with the authorities of the territories concerned, shall undertake a study to determine whether traffic or other conditions warrant the establishment of direct circuits between the United States and Ceylon, the Federated Malay States (Singapore) and Hong Kong respectively.

Section 3.—General considerations

The signatory Governments agree to present, for the consideration of the next International Telecommunications Conference, a statement, along the lines set forth in Annex A, relating to the general factors governing the establishment of direct radiotelegraph circuits.

Section 4.—Exclusive arrangements

The signatory Governments shall neither support nor approve efforts by telecommunications companies subject to their respective jurisdictions to prevent or obstruct the es-

tablishment of direct circuits between the United States or British Commonwealth points and other countries, and will take such steps as may be appropriate to discourage any such efforts.

Section 5.—Transit traffic

The traffic normally handled over direct radiotelegraph circuits shall be restricted to traffic originating in and destined for the countries between which the circuits are operated. This does not preclude the use of such circuits as "voies de secours" in emergency. Transit traffic may be handled over direct radiotelegraph circuits in any case where it is agreed that it would otherwise be subject to excessive delay.

ARTICLE II

TELEGRAPH RATES

Section 6.—Ceiling rates

(i) The ceiling rate between the United States on the one hand and the countries of the British Commonwealth on the other shall be 30 cents or 1s. 6d. per ordinary full rate word.

(ii) The ceiling rate between the United States on the one hand and the countries of the British Commonwealth on the other shall be 20 cents or 1s. per word for code (CDE) telegrams.

(iii) For categories of telegrams charged at lower rates, the existing international proportions of the ordinary rate shall be maintained.

(iv) These arrangements shall not involve any increase in existing rates.

Section 7.—Press rates

(i) The ceiling rate for Press traffic between the United States and the countries of the British Commonwealth shall be 6-½ cents or 4d. per ordinary word. No rate already below this ceiling of 6-½ cents or 4d. per word shall be increased.

Note: The existing Press rate

within the British Commonwealth of 1d. per ordinary word may be extended to press traffic between the countries of the British Commonwealth and any other country.

Section 8.—Terminal and transit charges

(i) The terminal and transit charges for traffic to which the ceiling rate of 30 cents or 1s. 6d. per ordinary full rate word applies shall be uniform.

(ii) For the purposes of applying these charges countries shall be classified in two categories, as follows:

(a) Countries of extensive area, such as Canada, Australia, India, South Africa, and the Continental United States.

(b) All other countries.

(iii) For traffic to which the ceiling rate applies, the terminal and transit charges for an ordinary full rate word shall be:

(a) A terminal charge of 4 cents or $2\frac{1}{2}$ d. for countries in category (a) and $2\frac{1}{2}$ cents or $1\frac{1}{2}$ d. for countries in category (b).

(b) A transit charge of $3\frac{1}{3}$ cents or 2d. for countries in category (a) and $1\frac{2}{3}$ cents or 1d. for countries in category (b).

(iv) Terminal and transit charges for other classifications of traffic shall be proportional to the charges collected.

(v) No terminal or transit charge shall exceed the charges prescribed in paragraphs (iii) and (iv) above. Subject to this provision, existing terminal and transit charges at rates below the proposed new ceiling shall be maintained pending review by the interested parties.

(vi) Terminal and transit charges shall be regarded as payments for services rendered. The terminal charges are payable for traffic originating in or destined for a country. The transit charges are payable for traffic carried across the territory of

a country for onward transmission beyond that country. All terminal and transit charges shall be included in the ceiling rate and shall not be additional thereto.

(vii) These arrangements shall not involve any increase in existing terminal and transit charges.

Note: Provided the charges accruing to the other international carriers are not affected, the division of the charges between an international carrier and its corresponding domestic carrier shall be of no concern to the other international carriers.

Section 9.—Division of tolls

(i) In the case of direct radiotelegraph circuits, the portion of the tolls remaining after deduction of terminal and transit charges shall be divided equally between the transmitting and receiving organisations.

(ii) Reductions in payments for services over indirect routes resulting from the introduction of reduced rates shall be borne by those concerned in the same proportion as the present charges are now divided.

(iii) The application of paragraphs (i) and (ii) of this Section to existing contracts and the specific arrangements to give effect to them shall be considered by the parties concerned.

Section 10.—Currency

In view of the fact that the gold franc system of telegraph charges and accounting is unsatisfactory in present conditions, the fixing of tariffs and the settlement of accounts between the United States and the countries of the British Commonwealth shall be governed by the following general principles:

(i) The tariffs shall be drawn up in dollars and in sterling, and the tariffs so expressed shall be approximately equivalent at \$4.03 to £1.

(ii) In the event of an alteration in the average of the buying and

selling rates for telegraphic transfer of dollars and sterling by more than 2 per cent from \$4.03 to £1, arrangements shall be made promptly, at the request of any country, for consultation on the adjustment of tariffs, which shall be drawn up in dollars and sterling and which shall be approximately equivalent at an agreed rate of exchange.

(iii) In any country other than the United States and the United Kingdom, the schedule of charges in local currency for messages shall at all times be the approximate equivalent of the tariffs drawn up in dollars and in sterling at the average of the buying and selling rates for telegraphic transfers of the currency in terms of dollars or sterling. Minor fluctuations in the exchange rates shall not of themselves require a modification of the schedule of charges in local currency. In fixing collection charges in its local currency, a country shall be entitled to vary the precise equivalent of the dollar-sterling tariff to the nearest convenient unit.

(iv) The balance due as between the parties concerned shall be calculated in accordance with the tariffs drawn up in dollars and sterling, and settlement shall be made in the currency of the country of the creditor party on the basis of \$4.03 to £1. In the case of a request for consultation in accordance with paragraph (ii) of this Section, obligations incurred prior to the date of such request shall be settled on the basis of \$4.03 to £1. The basis of settlement of balances arising in respect of the period between the date of such request and the date when new tariffs as provided in paragraph (ii) of this Section become effective shall be a matter for agreement between the parties concerned. On and after the date when new tariffs become effective settlement shall be made on the basis of the new agreed dollar-sterling rate of exchange.

(v) In extending to other countries the new ceiling rate of 30 cents or 1s.6d. the United States and the countries of the British Commonwealth shall seek to achieve the establishment of a tariff drawn up on a dollar-sterling basis or, failing agreement on the part of the other country to adopt that basis, of tariffs giving effect as far as practicable to the principles underlying the dollar-sterling basis.

(vi) Should the International Monetary Fund provided for in the Bretton Woods Agreements be established, any necessary modifications in the provisions above should be considered by the authorities concerned.

Section 11.—Effective date

The arrangements provided in this Article shall be brought into force as soon as possible and not later than April 1st 1946. So far as practicable they shall be introduced as from a common date.

Note: All references in this Article to dollars and cents, and to pounds, shillings and pence, are to United States and United Kingdom currencies respectively.

ARTICLE III

PRESS COMMUNICATIONS

Section 12.—Private point to point channels for Press

Private channels for point to point press traffic shall be provided where the available channels are sufficient. Charges may be based on time, words, or cost, whichever may be agreed upon by the parties concerned.

Section 13.—Reception of multiple address press radiocommunications

(i) The reception of press radio communications addressed to multiple destinations and transmitted from the United States or the countries of the British Commonwealth shall be permitted within their re-

spective territories in all cases where the recipients are authorised by the sender to receive such communications.

(ii) The Governments of the United States and of the United Kingdom and Canada will permit within their respective territories the private reception of such communications either through the recipients' own radio receiving installation or through other private installations. In the United Kingdom such permission may be conditional on the service not being offered to third parties except in the case of recognised news agencies.

(iii) The Governments of Australia, New Zealand, South Africa, India and the United Kingdom on behalf of her colonies will arrange for the reception of such communications through the respective telegraph administrations and will retain the power to exercise their discretion as to the granting of permission to private recipients for the reception of such communications through their own installations or through other private installations.

Note: The position of Southern Rhodesia under Section 13 is reserved.

ARTICLE IV CABLES

Section 14

(i) In order to secure the optimum development of telecommunications services, and in view of the important strategic role which cables as well as radio play in a co-ordinated telecommunications system, research and development work in both cable and radio communication shall be fostered and promoted. The use of improvements such as submarine repeaters and multi-channel operation shall wherever possible be encouraged.

(ii) Inasmuch as the trans-Atlantic cables form an integral part of a world telecommunication system, uniform procedures and techniques

shall be adopted in their operation. The present arrangements for mutual consultation and co-operative action with respect to the trans-Atlantic cables shall be continued.

ARTICLE V STANDARDISATION

Section 15

The Governments of the British Commonwealth shall support a recommendation, to be made by the United States Government, to the International Telegraph Consultative Committee (CCIT) and the International Consultative Committee for Radiocommunications (CCIR) on the question of standardisation of modern Telecommunication methods along the following lines:

In order to further the development and wide-spread use of modern telecommunication systems susceptible to interconnection and interchange of messages and in the interests of conservation of the radio frequency spectrum, it is proposed that the CCIT study the establishment of a standardised switching system for international telegraph communications based upon a standard five unit code of operation.

Further, it is proposed that the CCIR study the establishment of standards for:

- (a) Carrier shift operation for single channel telegraph circuits.
- (b) Multi-tone operation for multi-channel telegraph circuits.
- (c) Performance specifications for phototelegraphic equipment to provide for inter-working, including modulation equipment for radio transmissions.

ARTICLE VI GENERAL PROVISIONS

Section 16.—Consultation

(i) The parties to this Agreement shall consult on all matters coming within its purview.

(ii) The parties to this Agreement

shall, at the earliest stage, advise one another regarding all intended changes in rates on routes of interest to one another.

Section 17.—Acceptance

By their approval of this Agreement, all Governments will accept it both on their own behalf and in respect of all their colonies, overseas territories, all territories under their protection, suzerainty, or authority and all territories in respect of which they exercise a mandate, subject to any necessary reservations. The

United States will endeavour to obtain the adherence of the Commonwealth of the Philippines to this Agreement.

Section 18.—Entry into force

This Agreement shall come into force as between the several signatory Governments upon the receipt by the United Kingdom Government of the respective notifications of their approval. The United Kingdom Government shall on receipt of such notifications inform all other signatory Governments.

[Signed:] JAMES CLEMENT DUNN, PAUL A. PORTER, GEORGE P. BAKER (on behalf of the Delegation of the **United States**); W. RAYMOND BIRCHALL, RODNEY A. GALLOP, R. J. P. HARVEY (on behalf of the Delegation of the **United Kingdom**); F. H. SOWARD, WALTER A. RUSH (on behalf of the Delegation of **Canada**); S. H. WITT (on behalf of the Delegation of **Australia**); P. N. CRYER (on behalf of the Delegation of **New Zealand**); E. C. SMITH (on behalf of the Delegation of the **Union of South Africa**); G. V. BEWOOR (on behalf of the Delegation of **India**); W. RAYMOND BIRCHALL (on behalf of the Delegation of **Southern Rhodesia**); W. W. SHAW-ZAMBRA, *Secretary of the Conference*.

Belmont Manor Hotel, Bermuda. 4th December, 1945.

ANNEX A

GENERAL CONDITIONS GOVERNING THE
ESTABLISHMENT OF DIRECT RADIO-
TELEGRAPH CIRCUITS

(i) The desirability of establishing any direct radio circuit between two countries is a matter involving a judgment on its merits by the Governments of both the countries concerned. It is essential that conditions, particularly economic conditions, and the requirements of the users, at both ends of a proposed circuit should be fully considered in each case.

(ii) The governing conditions for the establishment of direct radio circuits are those of traffic and service, with the expeditious disposal of traffic as the main objective.

(iii) The existence of both radio and cables is essential in the general interest of world telecommunications as a whole. Provision of direct radio circuits should therefore have regard to existing channels of communication.

(iv) It is recognised that in certain cases a circuit might be deemed necessary for political reasons.

No. 669

ARTICLES OF AGREEMENT of the International Monetary Fund.
Opened for signature at Washington, December 27, 1945.

ACCORD relatif au Fonds monétaire international. Ouvert à la signature à Washington, 27 décembre 1945.

EDITOR'S NOTE. This Agreement and an agreement concerning an International Bank for Reconstruction and Development (No. 670, *post*) were formulated at the United Nations

Monetary and Financial Conference held at Bretton Woods, July 1-22, 1944. Proceedings and documents of the Conference were published in U.S. Department of State, Publication 2866 (2 vols., 1948). The first meeting of the Board of Governors of the Fund was held on March 8, 1946. The Fund became a specialized agency of the United Nations on the basis of an agreement of August 15, 1947 (No. 669a, *post*). For the texts of the American, British, and Canadian proposals which led to this Agreement, see 29 *Federal Reserve Bulletin* (1943), pp. 501, 507, 718, 827. A convention for the establishment of an Inter-American Bank was opened for signature at Washington, May 10, 1940 (No. 587, *ante*). A protocol on monetary stability was signed at Brussels, October 20, 1934 (No. 396, *ante*). Cf. the agreements creating the Funds "A" and "B" in connection with the obligations resulting from the Treaty of Trianon, which were signed at Paris, April 28, 1930 (Nos. 254c and 254d, *ante*).

RATIFICATIONS. On May 4, 1949, this Agreement had been accepted by Australia, Austria, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Great Britain, Greece, Guatemala, Honduras, Iceland, India, Iran, Iraq, Italy, Lebanon, Luxemburg, Mexico, Netherlands, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland, South Africa, Syria, Thailand, Turkey, the United States of America, Uruguay, Venezuela, and Yugoslavia.

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Text and translation from 2 *U.N. Treaty Series*, p. 40.

[Traduction]

The Governments on whose behalf the present Agreement is signed agree as follows:

Les Gouvernements aux noms desquels le présent accord est signé sont convenus de ce qui suit:

INTRODUCTORY ARTICLE

The International Monetary Fund is established and shall operate in accordance with the following provisions:

ARTICLE PRÉLIMINAIRE

Le Fonds monétaire international est créé et fonctionnera conformément aux dispositions suivantes:

ARTICLE I

PURPOSES

The purposes of the International Monetary Fund are:

(I) To promote international monetary co-operation through a permanent institution which provides the machinery for consultation and collaboration on international monetary problems.

(II) To facilitate the expansion and balanced growth of international trade, and to contribute thereby to the promotion and maintenance of high levels of employment and real income and to the development of the productive resources of all members as primary objectives of economic policy.

(III) To promote exchange stability, to maintain orderly exchange arrangements among members, and

ARTICLE I

BUTS

Les buts du Fonds monétaire international sont les suivants:

I) Favoriser la coopération monétaire internationale au moyen d'une institution permanente fournissant un mécanisme de consultation et de collaboration en ce qui concerne les problèmes monétaires internationaux;

II) Faciliter l'expansion et le développement harmonieux du commerce international et contribuer de cette manière à l'établissement et au maintien d'un niveau élevé de l'emploi et du revenu réel ainsi qu'au développement des ressources productives de tous les Etats membres, fins primordiales de la politique économique;

III) Favoriser la stabilité des changes, maintenir des arrangements de change ordonnés entre les Etats

¹ Registered with the Secretariat of the United Nations, No. 20(a), April 25, 1947.

to avoid competitive exchange depreciation.

(iv) To assist in the establishment of a multilateral system of payments in respect of current transactions between members and in the elimination of foreign exchange restrictions which hamper the growth of world trade.

(v) To give confidence to members by making the Fund's resources available to them under adequate safeguards, thus providing them with opportunity to correct maladjustments in their balance of payments without resorting to measures destructive of national or international prosperity.

(vi) In accordance with the above, to shorten the duration and lessen the degree of disequilibrium in the international balances of payments of members.

The Fund shall be guided in all its decisions by the purposes set forth in this Article.

ARTICLE II

MEMBERSHIP

Section 1.—Original members

The original members of the Fund shall be those of the countries represented at the United Nations Monetary and Financial Conference whose governments accept membership before the date specified in Article XX, Section 2(e).

Section 2.—Other members

Membership shall be open to the governments of other countries at such times and in accordance with such terms as may be prescribed by the Fund.

ARTICLE III

QUOTAS AND SUBSCRIPTIONS

Section 1.—Quotas

Each member shall be assigned a quota. The quotas of the members represented at the United Nations

membres et éviter les dépréciations de change de surenchère;

iv) Aider à l'établissement d'un système multilatéral de paiements en ce qui concerne les opérations courantes entre les Etats membres et à l'élimination des restrictions de change qui entravent le développement du commerce mondial;

v) Donner confiance aux Etats membres en mettant à leur disposition les ressources du Fonds, moyennant des garanties appropriées, et en leur donnant ainsi la possibilité de corriger les déséquilibres de leur balance des paiements sans recourir à des mesures compromettant la prospérité nationale ou internationale;

vi) Conformément à ce qui précède, abréger la durée et diminuer l'ampleur du déséquilibre des balances internationales des paiements des Etats membres.

Le Fonds s'inspirera, dans toutes ses décisions, des buts énoncés au présent article.

ARTICLE II

MEMBRES

Section 1.—Membres originaires

Seront membres originaires du Fonds ceux des pays représentés à la Conférence monétaire et financière des Nations Unies dont les gouvernements auront accepté de devenir membres du Fonds avant la date fixée à l'article XX, section 2 e).

Section 2.—Autres membres

Les gouvernements des autres pays pourront devenir membres du Fonds aux époques et aux conditions qui pourront être fixées par le Fonds.

ARTICLE III

QUOTES-PARTS ET SOUSCRIPTIONS

Section 1.—Quotes-parts

Une quote-part sera assignée à chaque Etat membre. Les quotes-parts des Etats membres représentés

Monetary and Financial Conference which accept membership before the date specified in Article XX, Section 2(e), shall be those set forth in Schedule A. The quotas of other members shall be determined by the Fund.

Section 2.—Adjustment of quotas

The Fund shall at intervals of five years review, and if it deems it appropriate propose an adjustment of, the quotas of the members. It may also, if it thinks fit, consider at any other time the adjustment of any particular quota at the request of the member concerned. A four-fifths majority of the total voting power shall be required for any change in quotas and no quota shall be changed without the consent of the member concerned.

Section 3.—Subscriptions: time, place and form of payment

(a) The subscription of each member shall be equal to its quota and shall be paid in full to the Fund at the appropriate depository on or before the date when the member becomes eligible under Article XX, Section 4(c) or (d) to buy currencies from the Fund.

(b) Each member shall pay in gold, as a minimum, the smaller of

(i) twenty-five per cent. of its quota; or

(ii) ten per cent. of its net official holdings of gold and United States dollars as at the date when the Fund notifies members under Article XX, Section 4(a) that it will shortly be in a position to begin exchange transactions.

Each member shall furnish to the Fund the data necessary to deter-

à la Conférence monétaire et financière des Nations Unies qui auront accepté de devenir membres avant la date fixée à l'article XX, section 2 e), seront celles qui sont indiquées à l'annexe A. Les quotes-parts des autres Etats membres seront fixées par le Fonds.

Section 2.—Rajustement des quotes-parts

Le Fonds procédera tous les cinq ans à l'examen des quotes-parts des Etats membres et, s'il le juge opportun, en proposera le rajustement. Il pourra également, s'il le juge utile, mettre à l'étude à tout autre moment, sur la demande d'un Etat membre, le rajustement de sa quote-part. Toute modification des quotes-parts devra être approuvée par une majorité égale aux quatre cinquièmes du total des voix attribuées et aucune quote-part ne sera modifiée sans le consentement de l'Etat membre intéressé.

Section 3.—Souscriptions: époque, lieu et mode de paiement

(a) Le montant de la souscription de chaque Etat membre sera égal à la quote-part dudit Etat membre et sera versé intégralement au Fonds auprès du dépositaire approprié, au plus tard le jour où l'Etat membre sera habilité aux termes de l'article XX, section 4 c) ou d), à acheter des monnaies au Fonds.

(b) Chaque Etat membre versera en or, au minimum, la moins élevée des deux sommes suivantes:

i) vingt-cinq pour cent de sa quote-part; ou

ii) dix pour cent du montant net de ses avoirs officiels en or et en dollars des Etats-Unis à la date à laquelle le Fonds aura notifié aux Etats membres, conformément aux dispositions de l'article XX, section 4 a), qu'il sera à bref délai en mesure de commencer ses opérations de change.

Chaque Etat membre fournira au Fonds les renseignements dont le

mine its net official holdings of gold and United States dollars.

(c) Each member shall pay the balance of its quota in its own currency.

(d) If the net official holdings of gold and United States dollars of any member as of the date referred to in (b) (ii) above are not ascertainable because its territories have been occupied by the enemy, the Fund shall fix an appropriate alternative date for determining such holdings. If such date is later than that on which the country becomes eligible under Article XX, Section 4 (c) or (d), to buy currencies from the Fund, the Fund and the member shall agree on a provisional gold payment to be made under (b) above, and the balance of the member's subscription shall be paid in the member's currency, subject to appropriate adjustment between the member and the Fund when the net official holdings have been ascertained.

Section 4.—Payments when quotas are changed

(a) Each member which consents to an increase in its quota shall, within thirty days after the date of its consent, pay to the Fund twenty-five per cent. of the increase in gold and the balance in its own currency. If, however, on the date when the member consents to an increase, its monetary reserves are less than its new quota, the Fund may reduce the proportion of the increase to be paid in gold.

(b) If a member consents to a reduction in its quota, the Fund shall, within thirty days after the date of the consent, pay to the member an amount equal to the reduction. The payment shall be made in the member's currency and in such amount of

Fonds aura besoin pour déterminer le montant net des avoirs officiels dudit Etat en or et en dollars des Etats-Unis.

c) Chaque Etat membre versera le reliquat de sa quote-part dans sa propre monnaie.

d) Si le montant net des avoirs officiels, en or et en dollars des Etats-Unis, que détenait un Etat membre à la date mentionnée au paragraphe b) ii) ci-dessus, ne peut être déterminé par suite de l'occupation de son territoire par l'ennemi, le Fonds fixera une autre date appropriée pour la détermination du montant desdits avoirs. Si cette date est postérieure à celle où ledit Etat est habilité, aux termes de l'article XX, section 4 c) ou d), à acheter des monnaies au Fonds, ce dernier et l'Etat membre intéressé conviendront d'un versement provisoire en or à effectuer ainsi qu'il est prévu au paragraphe b) ci-dessus et le reliquat de la souscription de l'Etat membre sera versé dans la monnaie de cet Etat, étant entendu qu'un règlement rectificatif interviendra entre l'Etat membre et le Fonds lorsque le montant net des avoirs officiels aura été déterminé.

Section 4.—Versements en cas de modification des quotes-parts

a) Tout Etat membre qui accepte une majoration de sa quote-part versera au Fonds, dans les trente jours de son acceptation, 25 pour 100 de la majoration en or et le reste dans sa propre monnaie. Toutefois, si, à la date où l'Etat membre accepte la majoration, ses réserves monétaires sont inférieures à sa nouvelle quote-part, le Fonds pourra réduire le pourcentage de la majoration qui doit être versé en or.

b) Si un Etat membre accepte une réduction de sa quote-part, le Fonds lui versera, dans les trente jours de son acceptation, un montant égal à celui de la réduction. Ce versement sera effectué partie dans la monnaie de l'Etat membre et partie

gold as may be necessary to prevent reducing the Fund's holdings of the currency below seventy-five per cent. of the new quota.

Section 5.—Substitution of securities for currency

The Fund shall accept from any member in place of any part of the member's currency which in the judgment of the Fund is not needed for its operations, notes or similar obligations issued by the member or the depository designated by the member under Article XIII, Section 2, which shall be non-negotiable, non-interest bearing and payable at their par value on demand by crediting the account of the Fund in the designated depository. This Section shall apply not only to currency subscribed by members but also to any currency otherwise due to, or acquired by, the Fund.

ARTICLE IV

PAR VALUE OF CURRENCIES

Section 1.—Expression of par values

(a) The par value of the currency of each member shall be expressed in terms of gold as a common denominator or in terms of the United States dollar of the weight and fineness in effect on July 1, 1944.

(b) All computations relating to currencies of members for the purpose of applying the provisions of this Agreement shall be on the basis of their par values.

Section 2.—Gold purchases based on par values

The Fund shall prescribe a margin above and below par value for trans-

en or, dans la mesure nécessaire pour empêcher les avoirs du Fonds en ladite monnaie de descendre au-dessous de 75 pour 100 de la nouvelle quote-part.

Section 5.—Substitution d'effets à la monnaie

En remplacement de toute fraction de la souscription d'un Etat membre en monnaie nationale qui, de l'avis du Fonds, n'est pas nécessaire aux opérations du Fonds, le Fonds acceptera des bons ou engagements émis par ledit Etat membre ou par le dépositaire désigné par lui conformément à l'article XIII, section 2. Ces bons ou engagements ne seront pas négociables, ne porteront pas intérêt et seront payables à vue, à leur valeur nominale, par inscription au crédit du compte ouvert au Fonds auprès du dépositaire désigné. Les dispositions de la présente section s'appliqueront non seulement aux souscriptions en monnaie nationale des Etats membres, mais à toute monnaie acquise par le Fonds ou due à celui-ci à un autre titre.

ARTICLE IV

VALEUR AU PAIR DES MONNAIES

Section 1.—Définition de la valeur au pair

a) La valeur au pair de la monnaie de chaque Etat membre sera exprimée en or, pris comme commun dénominateur, ou en dollars des Etats-Unis du poids et du titre en vigueur au 1^{er} juillet 1944.

b) Tous les calculs relatifs aux monnaies des Etats membres auxquels donnera lieu l'application des dispositions du présent accord se feront sur la base de leur valeur au pair.

Section 2.—Achats d'or sur la base de la valeur au pair

Pour toutes les opérations des Etats membres portant sur l'or, le

actions in gold by members, and no member shall buy gold at a price above par value plus the prescribed margin, or sell gold at a price below par value minus the prescribed margin.

Section 3.—Foreign exchange dealings based on parity

The maximum and the minimum rates for exchange transactions between the currencies of members taking place within their territories shall not differ from parity:

(i) in the case of spot exchange transactions, by more than one per cent.; and

(ii) in the case of other exchange transactions, by a margin which exceeds the margin for spot exchange transactions by more than the Fund considers reasonable.

Section 4.—Obligations regarding exchange stability

(a) Each member undertakes to collaborate with the Fund to promote exchange stability, to maintain orderly exchange arrangements with other members, and to avoid competitive exchange alterations.

(b) Each member undertakes, through appropriate measures consistent with this Agreement, to permit within its territories exchange transactions between its currency and the currencies of other members only within the limits prescribed under Section 3 of this Article. A member whose monetary authorities, for the settlement of international transactions, in fact freely buy and sell gold within the limits prescribed by the Fund under Section 2 of this Article shall be deemed to be fulfilling this undertaking.

Fonds fixera une marge au-dessus et au-dessous du pair et aucun Etat membre ne pourra acheter de l'or à un cours supérieur à la valeur au pair majorée de la marge fixée, ni vendre de l'or à un cours inférieur à la valeur au pair diminuée de la marge fixée.

Section 3.—Opérations de change sur la base de la parité

L'écart entre la parité et les cours maximum et minimum applicables aux opérations de change entre les monnaies des Etats membres effectuées sur leur territoire:

i) n'excédera pas 1 pour 100 pour les opérations de change au comptant, et

ii) ne dépassera pas, pour les autres opérations de change, la marge fixée pour les opérations de change au comptant, d'un montant supérieur à ce que le Fonds jugera raisonnable.

Section 4.—Obligations relatives à la stabilité des changes

a) Chaque Etat membre s'engage à collaborer avec le Fonds afin de contribuer à la stabilité des changes, de maintenir des arrangements de change ordonnés avec les autres Etats membres et d'éviter les modifications de change de surenchère.

b) Chaque Etat membre s'engage, en prenant des mesures appropriées, conformes au présent accord, à n'autoriser sur ses territoires les opérations de change entre sa monnaie et les monnaies d'autres Etats membres que dans les limites prescrites dans la section 3 du présent article. Sera considéré comme se conformant à cette obligation tout Etat membre dont les autorités monétaires procèdent effectivement, pour le règlement de transactions internationales, à l'achat et à la vente libres de l'or dans les limites prescrites par le Fonds aux termes de la section 2 du présent article.

Section 5.—Changes in par values

(a) A member shall not propose a change in the par value of its currency except to correct a fundamental disequilibrium.

(b) A change in the par value of a member's currency may be made only on the proposal of the member and only after consultation with the Fund.

(c) When a change is proposed, the Fund shall first take into account the changes, if any, which have already taken place in the initial par value of the member's currency as determined under Article XX, Section 4. If the proposed change, together with all previous changes, whether increases or decreases,

(i) does not exceed ten per cent. of the initial par value, the Fund shall raise no objection,

(ii) does not exceed a further ten per cent. of the initial par value, the Fund may either concur or object, but shall declare its attitude within seventy-two hours, if the member so requests,

(iii) is not within (i) or (ii) above, the Fund may either concur or object, but shall be entitled to a longer period in which to declare its attitude.

(d) Uniform changes in par values made under Section 7 of this Article shall not be taken into account in determining whether a proposed change falls within (i), (ii), or (iii) of (c) above.

(e) A member may change the par value of its currency without the

Section 5.—Modification de la valeur au pair des monnaies

a) Aucun Etat membre ne proposera de modification de la valeur au pair de sa monnaie, sauf pour corriger un déséquilibre fondamental.

b) La valeur au pair de la monnaie d'un Etat membre ne pourra être modifiée que sur la proposition de l'Etat membre intéressé et après consultation avec le Fonds.

c) Lorsqu'une modification est proposée, le Fonds prendra d'abord en considération les modifications qu'a pu subir la valeur au pair de la monnaie de l'Etat membre telle qu'elle a été fixée en vertu de l'article XX, section 4. Si la modification proposée et les modifications antérieures, qu'il s'agisse d'augmentations ou de réductions,

i) n'entraînent pas un changement supérieur à 10 pour 100 de la valeur au pair initiale, le Fonds n'élèvera pas d'objections;

ii) n'entraînent pas un changement supérieur à ce montant augmenté d'un montant additionnel de 10 pour 100 de la valeur au pair initiale, le Fonds pourra donner son assentiment ou élever des objections, mais il prendra position dans un délai de soixante-douze heures si l'Etat membre le demande;

iii) entraînent un changement dépassant les limites indiquées aux alinéas i) ou ii) ci-dessus, le Fonds pourra donner son assentiment ou élever des objections mais il disposera de plus longs délais pour prendre position.

d) Pour déterminer si une modification proposée entre dans les cas visés aux alinéas i), ii) ou iii) du paragraphe c) ci-dessus, il ne sera pas tenu compte des modifications uniformes de la valeur au pair effectuées conformément aux dispositions de la section 7 du présent article.

e) Tout Etat membre pourra modifier la valeur au pair de sa monnaie

concurrence of the Fund if the change does not affect the international transactions of members of the Fund.

(f) The Fund shall concur in a proposed change which is within the terms of (c) (II) or (c) (III) above if it is satisfied that the change is necessary to correct a fundamental disequilibrium. In particular, provided it is so satisfied, it shall not object to a proposed change because of the domestic social or political policies of the member proposing the change.

Section 6.—Effect of unauthorized changes

If a member changes the par value of its currency despite the objection of the Fund, in cases where the Fund is entitled to object, the member shall be ineligible to use the resources of the Fund unless the Fund otherwise determines; and if, after the expiration of a reasonable period, the difference between the member and the Fund continues, the matter shall be subject to the provisions of Article XV, Section 2(b).

Section 7.—Uniform changes in par values

Notwithstanding the provisions of Section 5 (b) of this Article, the Fund by a majority of the total voting power may make uniform proportionate changes in the par values of the currencies of all members, provided each such change is approved by every member which has 10 per cent. or more of the total of the quotas. The par value of a member's currency shall, however, not be changed under this provision if, within seventy-two hours of the Fund's action, the member informs the Fund that it does not wish the

sans l'assentiment du Fonds, si la modification n'affecte pas les opérations internationales des membres du Fonds.

f) Le Fonds donnera son assentiment à toute modification proposée entrant dans les cas visés aux alinéas II) ou III) du paragraphe c) ci-dessus, s'il est assuré que la modification proposée est nécessaire pour corriger un déséquilibre fondamental. En particulier, pourvu qu'il ait acquis cette certitude, le Fonds n'élèvera pas d'objections contre une modification proposée, à raison de la politique intérieure suivie sur le plan social et politique par l'Etat membre qui propose la modification.

Section 6.—Conséquences des modifications non autorisées

Si un Etat membre modifie la valeur au pair de sa monnaie malgré l'opposition du Fonds, dans les cas où le Fonds a le droit de faire des objections, ledit Etat membre ne sera plus admis à faire usage des ressources du Fonds, à moins que le Fonds n'en décide autrement. Si après expiration d'un délai raisonnable, le différend persiste entre cet Etat membre et le Fonds, le cas relèvera des dispositions de l'article XV, section 2 b).

Section 7.—Modifications uniformes de la valeur au pair des monnaies

Nonobstant les dispositions de la section 5 b) du présent article, le Fonds peut, à la majorité des voix attribuées, modifier selon une proportion uniforme la valeur au pair des monnaies de tous les Etats membres, à condition que toute modification de cette nature soit approuvée par chacun des Etats membres disposant de 10 pour 100 au moins du total des quotes-parts. Toutefois, la valeur au pair de la monnaie d'un Etat membre ne sera pas modifiée en application de la présente disposition si, dans les

par value of its currency to be changed by such action.

Section 8.—Maintenance of gold value of the Fund's assets

(a) The gold value of the Fund's assets shall be maintained notwithstanding changes in the par or foreign exchange value of the currency of any member.

(b) Whenever (i) the par value of a member's currency is reduced, or (ii) the foreign exchange value of a member's currency has, in the opinion of the Fund, depreciated to a significant extent within that member's territories, the member shall pay to the Fund within a reasonable time an amount of its own currency equal to the reduction in the gold value of its currency held by the Fund.

(c) Whenever the par value of a member's currency is increased, the Fund shall return to such member within a reasonable time an amount in its currency equal to the increase in the gold value of its currency held by the Fund.

(d) The provisions of this Section shall apply to a uniform proportionate change in the par values of the currencies of all members, unless at the time when such a change is proposed the Fund decides otherwise.

Section 9.—Separate currencies within a member's territories

A member proposing a change in the par value of its currency shall be deemed, unless it declares otherwise, to be proposing a corresponding change in the par value of the separate currencies of all territories in respect of which it has accepted this agreement under Article XX, Sec-

soixante-douze heures qui suivront la décision du Fonds, l'Etat membre informe le Fonds qu'il ne désire pas que la valeur au pair de sa monnaie soit modifiée par cette décision.

Section 8.—Maintien de la valeur-or de l'actif du Fonds

a) La valeur-or de l'actif du Fonds sera maintenue constante malgré les modifications de la valeur au pair ou du taux de change de la monnaie d'un Etat membre.

b) Chaque fois que i) la valeur au pair de la monnaie d'un Etat membre est réduite ou que ii) le taux de change de la monnaie d'un Etat membre a, de l'avis du Fonds, subi une dépréciation sensible dans les territoires dudit Etat membre, celui-ci versera au Fonds, dans un délai raisonnable, l'équivalent dans sa propre monnaie de la réduction en valeur-or des avoirs que le Fonds détient dans ladite monnaie.

c) Chaque fois que la valeur au pair de la monnaie d'un Etat membre est augmentée, le Fonds restituera à cet Etat membre, dans un délai raisonnable, l'équivalent dans la monnaie de cet Etat membre de l'augmentation en valeur-or des avoirs que le Fonds détient dans ladite monnaie.

d) Les dispositions de la présente section s'appliqueront aux modifications apportées suivant une proportion uniforme à la valeur au pair des monnaies de tous les Etats membres, à moins que le Fonds n'en décide autrement au moment où une modification est proposée.

Section 9.—Monnaies distinctes dans les territoires d'un Etat membre

Un Etat membre qui propose une modification de la valeur au pair de sa monnaie sera considéré, sauf déclaration contraire de sa part, comme proposant une modification correspondante de la valeur au pair des monnaies distinctes de tous les territoires au nom desquels il a ac-

tion 2 (g). It shall, however, be open to a member to declare that its proposal relates either to the metropolitan currency alone, or only to one or more specified separate currencies, or to the metropolitan currency and one or more specified separate currencies.

ARTICLE V

TRANSACTIONS WITH THE FUND

Section 1.—Agencies dealing with the Fund

Each member shall deal with the Fund only through its Treasury, central bank, stabilization fund or other similar fiscal agency and the Fund shall deal only with or through the same agencies.

Section 2.—Limitation on the Fund's operations

Except as otherwise provided in this Agreement, operations on the account of the Fund shall be limited to transactions for the purpose of supplying a member, on the initiative of such member, with the currency of another member in exchange for gold or for the currency of the member desiring to make the purchase.

Section 3.—Conditions governing use of the Fund's resources

(a) A member shall be entitled to buy the currency of another member from the Fund in exchange for its own currency subject to the following conditions:

(1) The member desiring to purchase the currency represents that it is presently needed for making, in that currency, payments which are consistent with the provisions of this Agreement;

cepté le présent accord aux termes de l'article XX, section 2 g). Cet Etat membre aura, néanmoins, la faculté de déclarer que sa proposition se rapporte soit exclusivement à la monnaie de la métropole, soit à une ou plusieurs monnaies distinctes nommément désignées, soit à la monnaie de la métropole et à une ou plusieurs monnaies distinctes nommément désignées.

ARTICLE V

OPÉRATIONS AVEC LE FONDS

Section 1.—Organes traitant avec le Fonds

Un Etat membre ne traitera avec le Fonds que par l'intermédiaire de son département des finances, de sa banque centrale, de son fonds de stabilisation des changes ou d'un autre organe financier analogue, et le Fonds ne traitera d'affaires qu'avec lesdits organes ou par leur intermédiaire.

Section 2.—Limitation apportée aux opérations du Fonds

A moins qu'il n'en soit autrement disposé dans le présent accord, les opérations effectuées pour le compte du Fonds seront limitées aux opérations ayant pour but de fournir à un Etat membre, sur l'initiative de celui-ci, la monnaie d'un autre Etat membre en échange d'or ou en échange de la monnaie de l'Etat membre qui désire faire cet achat.

Section 3.—Conditions régissant l'usage des ressources du Fonds

a) Tout Etat membre aura le droit d'acheter au Fonds de la monnaie d'un autre Etat membre en échange de sa propre monnaie, sous réserve des conditions suivantes:

1) L'Etat membre qui désire acheter de la monnaie d'un autre Etat membre fait valoir qu'il en a un besoin actuel pour effectuer, dans cette monnaie, des paiements qui sont compatibles avec les dispositions du présent accord;

(II) The Fund has not given notice under Article VII, Section 3, that its holdings of the currency desired have become scarce;

(III) The proposed purchase would not cause the Fund's holdings of the purchasing member's currency to increase by more than twenty-five per cent. of its quota during the period of twelve months ending on the date of the purchase nor to exceed two hundred per cent. of its quota, but the twenty-five per cent. limitation shall apply only to the extent that the Fund's holdings of the member's currency have been brought above seventy-five per cent. of its quota if they had been below that amount;

(IV) The Fund has not previously declared, under Section 5 of this Article, Article IV, Section 6, Article VI, Section 1, or Article XV, Section 2 (a), that the member desiring to purchase is ineligible to use the resources of the Fund.

(b) A member shall not be entitled without the permission of the Fund to use the Fund's resources to acquire currency to hold against forward exchange transactions.

Section 4.—Waiver of conditions

The Fund may, in its discretion, and on terms which safeguard its interests, waive any of the conditions prescribed in Section 3 (a) of this Article, especially in the case of members with a record of avoiding large or continuous use of the Fund's resources. In making a waiver it shall take into consideration periodic or exceptional requirements of the member requesting the waiver. The Fund shall also take into consideration a member's willingness to pledge

II) Le Fonds n'a pas annoncé, conformément aux dispositions de l'article VII, section 3, que ses avoirs dans la monnaie demandée sont devenus insuffisants;

III) L'achat proposé n'aura pas pour effet, à l'intérieur de la période de douze mois qui expire le jour de l'achat, d'accroître les avoirs du Fonds dans la monnaie de l'Etat membre acheteur d'un montant supérieur à 25 pour 100 de la quote-part de l'Etat membre intéressé ni de les porter à plus de 200 pour 100 de cette quote-part. Toutefois, la limite de 25 pour 100 s'appliquera seulement dans la mesure où les avoirs du Fonds dans la monnaie de l'Etat membre auront été portés au delà de 75 pour 100 de sa quote-part, s'ils n'atteignaient pas auparavant ce montant.

IV) Le Fonds n'a pas déclaré antérieurement, en application des dispositions de la section 5 du présent article, de l'article IV, section 6, de l'article VI, section 1, ou de l'article XV, section 2 a) que l'Etat membre désireux de se porter acquéreur n'est pas admis à faire usage des ressources du Fonds.

b) Aucun Etat membre n'aura le droit, sans l'autorisation du Fonds, de faire usage des ressources du Fonds pour se procurer de la monnaie destinée à servir de couverture pour des opérations de change à terme.

Section 4.—Dérogations

Le Fonds peut lever à sa discrétion, suivant des modalités propres à sauvegarder ses intérêts, l'une quelconque des conditions énoncées à la section 3 a) du présent article, notamment lorsqu'il s'agit d'Etats membres qui ont évité, dans le passé, de faire usage des ressources du Fonds dans une mesure importante ou de façon continue. Pour accorder une dérogation, le Fonds prendra en considération les besoins périodiques ou exceptionnels de l'Etat

as collateral security gold, silver, securities, or other acceptable assets having a value sufficient in the opinion of the Fund to protect its interests and may require as a condition of waiver the pledge of such collateral security.

Section 5.—Ineligibility to use the Fund's resources

Whenever the Fund is of the opinion that any member is using the resources of the Fund in a manner contrary to the purposes of the Fund, it shall present to the member a report setting forth the views of the Fund and prescribing a suitable time for reply. After presenting such a report to a member, the Fund may limit the use of its resources by the member. If no reply to the report is received from the member within the prescribed time, or if the reply received is unsatisfactory, the Fund may continue to limit the member's use of the Fund's resources or may, after giving reasonable notice to the member, declare it ineligible to use the resources of the Fund.

Section 6.—Purchases of currencies from the Fund for gold

(a) Any member desiring to obtain, directly or indirectly, the currency of another member for gold shall, provided that it can do so with equal advantage, acquire it by the sale of gold to the Fund.

(b) Nothing in this Section shall be deemed to preclude any member from selling in any market gold newly produced from mines located within its territories.

membre qui la sollicite. Le Fonds prendra également en considération l'offre par l'Etat membre de constituer en gage, à titre de garantie, de l'or, de l'argent, des valeurs, ou tous autres éléments d'actif acceptables que le Fonds estime être d'une valeur suffisante pour protéger ses intérêts, et il pourra subordonner l'octroi de la dérogation à la constitution d'un tel gage.

Section 5.—Cas où un Etat membre n'est plus admis à faire usage des ressources du Fonds

Chaque fois que le Fonds estime qu'un Etat membre utilise les ressources du Fonds d'une manière contraire aux buts du Fonds, il adressera à cet Etat membre un rapport exposant ses vues et lui impartissant, pour répondre, un délai convenable. Après avoir fait parvenir ce rapport à l'Etat membre, le Fonds pourra limiter l'usage de ses ressources par ledit Etat membre. Si le Fonds ne reçoit pas de réponse au rapport dans le délai prescrit, ou si la réponse reçue n'est pas satisfaisante, il pourra continuer à limiter l'usage de ses ressources par ledit Etat membre ou bien, après un préavis raisonnable, déclarer qu'il n'est plus admis à faire usage des ressources du Fonds.

Section 6.—Achats de monnaies au Fonds contre de l'or

a) Tout Etat membre désireux d'obtenir, directement ou indirectement, de la monnaie d'un autre Etat membre, contre remise d'or, acquerra cette monnaie, pourvu qu'il y trouve un avantage égal, en cédant de l'or au Fonds.

b) Aucune disposition de la présente section ne doit être interprétée comme interdisant à un Etat membre de vendre, sur un marché quelconque, de l'or nouvellement extrait de mines situées dans ses territoires.

Section 7.—Repurchase by a member of its currency held by the Fund

(a) A member may repurchase from the Fund and the Fund shall sell for gold any part of the Fund's holdings of its currency in excess of its quota.

(b) At the end of each financial year of the Fund, a member shall repurchase from the Fund with gold or convertible currencies, as determined in accordance with Schedule B, part of the Fund's holdings of its currency under the following conditions:

(i) Each member shall use in repurchases of its own currency from the Fund an amount of its monetary reserves equal in value to one-half of any increase that has occurred during the year in the Fund's holdings of its currency plus one-half of any increase, or minus one-half of any decrease, that has occurred during the year in the member's monetary reserves. This rule shall not apply when a member's monetary reserves have decreased during the year by more than the Fund's holdings of its currency have increased.

(ii) If after the repurchase described in (i) above (if required) has been made, a member's holdings of another member's currency (or of gold acquired from that member) are found to have increased by reason of transactions in terms of that currency with other members or persons in their territories, the member whose holdings of such currency (or gold) have thus increased shall use the increase to repurchase its own currency from the Fund.

Section 7.—Rachat par les Etats membres d'avoirs détenus par le Fonds dans leur monnaie

a) Tout Etat membre pourra racheter contre de l'or au Fonds, qui sera tenu de la lui vendre, toute fraction des avoirs du Fonds dans la monnaie dudit Etat membre dépassant sa quote-part.

b) Au terme de chaque exercice financier du Fonds, chaque Etat membre rachètera au Fonds, moyennant de l'or ou des monnaies convertibles, ainsi qu'il est disposé dans l'annexe B, une fraction des avoirs du Fonds dans la monnaie dudit Etat membre, dans les conditions suivantes:

i) Chaque Etat membre emploiera au rachat d'avoirs détenus par le Fonds dans sa propre monnaie une fraction de ses réserves monétaires équivalent à la moitié de toute augmentation intervenue au cours de l'exercice dans les avoirs que possède le Fonds dans la monnaie dudit Etat, majorée de la moitié de toute augmentation ou diminuée de la moitié de toute réduction intervenue au cours de l'exercice dans les réserves monétaires dudit Etat membre. Cette règle ne s'appliquera pas lorsque les réserves monétaires de l'Etat membre auront subi au cours de l'exercice une diminution d'un montant supérieur à l'augmentation des avoirs du Fonds dans sa monnaie.

ii) S'il est constaté, une fois que le rachat défini à l'alinéa i) ci-dessus a eu lieu (lorsque ce rachat est obligatoire), que les avoirs d'un Etat membre dans la monnaie d'un autre Etat membre (ou en or acheté à cet autre Etat membre) ont augmenté par suite d'opérations effectuées dans cette monnaie avec d'autres Etats membres ou avec des personnes résidant sur leurs territoires, l'Etat membre dont les avoirs dans ladite monnaie (ou en or) auront ainsi augmenté consacrera le montant de cette augmentation au rachat de sa propre monnaie au Fonds.

(c) None of the adjustments described in (b) above shall be carried to a point at which

(i) the member's monetary reserves are below its quota, or

(ii) the Fund's holdings of its currency are below seventy-five per cent. of its quota, or

(iii) the Fund's holdings of any currency required to be used are above seventy-five per cent. of the quota of the member concerned.

Section 8.—Charges

(a) Any member buying the currency of another member from the Fund in exchange for its own currency shall pay a service charge uniform for all members of three-fourths per cent. in addition to the parity price. The Fund in its discretion may increase this service charge to not more than one per cent. or reduce it to not less than one-half per cent.

(b) The Fund may levy a reasonable handling charge on any member buying gold from the Fund or selling gold to the Fund.

(c) The Fund shall levy charges uniform for all members which shall be payable by any member on the average daily balances of its currency held by the Fund in excess of its quota. These charges shall be at the following rates:

(i) *On amounts not more than twenty-five per cent. in excess of the quota:* no charge for the first three months; one-half per cent. per annum for the next nine months; and thereafter an increase in the charge of one-half per cent. for each subsequent year;

(ii) *On amounts more than twenty-five per cent. and not more than fifty*

c) *Aucun des ajustements définis au paragraphe b) ci-dessus ne sera poursuivi au point:*

i) *d'abaisser les réserves monétaires de l'Etat membre à un niveau inférieur à sa quote-part, ou*

ii) *d'abaisser les avoirs du Fonds dans la monnaie de l'Etat membre à un niveau inférieur à 75 pour 100 de la quote-part de cet Etat membre, ou*

iii) *de porter les avoirs détenus par le Fonds dans une monnaie quelconque dont l'emploi est requis, à plus de 75 pour 100 de la quote-part de l'Etat membre intéressé.*

Section 8.—Commissions

a) Tout Etat membre achetant au Fonds de la monnaie d'un autre Etat membre en échange de sa propre monnaie devra payer en sus de la parité une commission fixée uniformément pour tous les Etats membres à 0,75 pour 100. Le Fonds peut, à sa discrétion, porter cette commission à un maximum de 1 pour 100 ou la réduire à un minimum de 0,50 pour 100.

b) Le Fonds peut prélever une commission raisonnable de manutention chaque fois qu'un Etat membre lui achète ou lui vend de l'or.

c) Le Fonds prélèvera des commissions uniformes pour tous les Etats membres, qui seront acquittées par les Etats membres sur la base de la moyenne des soldes journaliers du Fonds dans leur monnaie lorsque ladite moyenne dépasse le montant de leur quote-part. Le taux de cette commission sera fixé de la manière suivante:

i) *Sur les sommes n'excédant pas le montant de la quote-part de plus de 25 pour 100, il ne sera perçu aucune commission pendant les trois premiers mois; il sera perçu pendant les neuf mois suivants une commission de 0,50 pour 100 par an, qui sera ensuite augmentée, pour chaque année subséquente de 0,50 pour 100;*

ii) *Sur les sommes excédant le montant de la quote-part de plus de 25 pour*

per cent. in excess of the quota: an additional one-half per cent. for the first year; and an additional one-half per cent. for each subsequent year;

(III) *On each additional bracket of twenty-five per cent. in excess of the quota:* an additional one-half per cent. for the first year; and an additional one-half per cent. for each subsequent year.

(d) Whenever the Fund's holdings of a member's currency are such that the charge applicable to any bracket for any period has reached the rate of four per cent. per annum, the Fund and the member shall consider means by which the Fund's holdings of the currency can be reduced. Thereafter, the charges shall rise in accordance with the provisions of (c) above until they reach five per cent. and failing agreement, the Fund may then impose such charges as it deems appropriate.

(e) The rates referred to in (c) and (d) above may be changed by a three-fourths majority of the total voting power.

(f) All charges shall be paid in gold. If, however, the member's monetary reserves are less than one-half of its quota, it shall pay in gold only that proportion of the charges due which such reserves bear to one-half of its quota, and shall pay the balance in its own currency.

100 mais pas de plus de 50 pour 100, il sera perçu 0,50 pour 100 en sus pour la première année, et un nouveau supplément de 0,50 pour 100, pour chaque année subséquente;

III) *Sur chaque nouvelle tranche excédentaire s'élevant à 25 pour 100 du montant de la quote-part,* il sera perçu 0,50 pour 100 en sus pour la première année et un nouveau supplément de 0,50 pour 100 pour chaque année subséquente.

d) Chaque fois que le Fonds possède dans la monnaie d'un Etat membre des avoirs tels que la commission applicable à une tranche quelconque pendant une période donnée atteint le taux de 4 pour 100 par an, le Fond et l'Etat membre rechercheront les moyens propres à réduire les avoirs du Fonds dans ladite monnaie. A partir de ce moment, le taux des commissions sera augmenté conformément aux dispositions du paragraphe c) ci-dessus jusqu'à atteindre 5 pour 100; le Fonds pourra ensuite, à défaut d'accord, imposer tel taux qu'il jugera approprié.

e) Les taux indiqués aux paragraphes c) et d) ci-dessus peuvent être modifiés à la majorité des trois quarts des voix attribuées.

f) Toutes les commissions seront payées en or. Toutefois, si les réserves monétaires d'un Etat membre sont inférieures à la moitié de sa quote-part, cet Etat membre ne paiera en or les commissions qu'il doit que dans une proportion égale à celle qui existe entre ses réserves et la moitié de sa quote-part, et il versera le reliquat dans sa propre monnaie.

ARTICLE VI

CAPITAL TRANSFERS

Section 1.—Use of the Fund's resources for capital transfers

(a) A member may not make net use of the Fund's resources to meet

ARTICLE VI

TRANSFERTS DE CAPITAUX

Section 1.—Usage des ressources du Fonds pour les transferts de capitaux

a) Aucun Etat membre ne peut faire un emploi net des ressources du

a large or sustained outflow of capital, and the Fund may request a member to exercise controls to prevent such use of the resources of the Fund. If, after receiving such a request, a member fails to exercise appropriate controls, the Fund may declare the member ineligible to use the resources of the Fund.

(b) Nothing in this Section shall be deemed

(I) to prevent the use of the resources of the Fund for capital transactions of reasonable amount required for the expansion of exports or in the ordinary course of trade, banking or other business, or

(II) to affect capital movements which are met out of a member's own resources of gold and foreign exchange, but members undertake that such capital movements will be in accordance with the purposes of the Fund.

Section 2.—Special provisions for capital transfers

If the Fund's holdings of the currency of a member have remained below seventy-five per cent. of its quota for an immediately preceding period of not less than six months, such member, if it has not been declared ineligible to use the resources of the Fund under Section 1 of this Article, Article IV, Section 6, Article V, Section 5, or Article XV, Section 2 (a), shall be entitled, notwithstanding the provisions of Section 1 (a) of this Article, to buy the currency of another member from the Fund with its own currency for any purpose, including capital transfers. Purchases for capital transfers under this Section shall not, however, be permitted if they have the effect of raising the Fund's holdings of the currency of the member desiring to purchase above seventy-five

Fonds pour faire face à des sorties importantes ou prolongées de capitaux, et le Fonds pourra inviter un Etat membre à exercer les contrôles propres à empêcher un tel usage des ressources du Fonds. Si après y avoir été ainsi invité, l'Etat membre n'exerce pas les contrôles appropriés, le Fonds peut déclarer que ledit Etat membre ne sera plus admis à faire usage des ressources du Fonds.

b) Aucune des dispositions de la présente section ne sera considérée:

i) comme empêchant l'usage des ressources du Fonds en vue d'opérations portant sur un montant raisonnable de capitaux et nécessaires au développement des exportations ou dans le cours normal des opérations de commerce, de banque ou d'autres affaires économiques;

ii) comme affectant les mouvements de capitaux effectués à l'aide des ressources de l'Etat membre en or ou en devises étrangères; toutefois, les Etats membres s'engagent à ce que ces mouvements de capitaux soient conformes aux buts du Fonds.

Section 2.—Dispositions spéciales concernant les transferts de capitaux

Au cas où les avoirs du Fonds dans la monnaie d'un Etat membre sont demeurés inférieurs à 75 pour 100 de la quote-part dudit Etat membre pendant une période immédiatement antérieure d'au moins six mois, cet Etat membre aura le droit, si le Fonds n'a pas déclaré qu'il n'était pas admis à faire usage des ressources du Fonds en application des dispositions de la Section 1 du présent article, de l'article IV, section 6, de l'article V, section 5, ou de l'article XV, section 2 a), et nonobstant les dispositions de la section 1 a) du présent article, d'acheter au Fonds de la monnaie d'un autre Etat membre contre sa propre monnaie, pour n'importe quel emploi, y compris les transferts de capitaux. Toutefois, les achats en vue des transferts de capitaux prévus

per cent. of its quota, or of reducing the Fund's holding of the currency desired below seventy-five per cent. of the quota of the member whose currency is desired.

Section 3.—Controls of capital transfers

Members may exercise such controls as are necessary to regulate international capital movements, but no member may exercise these controls in a manner which will restrict payments for current transactions or which will unduly delay transfers of funds in settlement of commitments, except as provided in Article VII, Section 3 (b), and in Article XIV, Section 2.

ARTICLE VII

SCARCE CURRENCIES

Section 1.—General scarcity of currency

If the Fund finds that a general scarcity of a particular currency is developing, the Fund may so inform members and may issue a report setting forth the causes of the scarcity and containing recommendations designed to bring it to an end. A representative of the member whose currency is involved shall participate in the preparation of the report.

Section 2.—Measures to replenish the Fund's holdings of scarce currencies

The Fund may, if it deems such action appropriate to replenish its holdings of any member's currency, take either or both of the following steps:

par la présente section ne seront pas autorisés s'il ont pour effet de porter les avoirs du Fonds dans la monnaie de l'Etat membre qui désire les faire à plus de 75 pour 100 de sa quote-part, ou de réduire les avoirs du Fonds dans la monnaie demandée à moins de 75 pour 100 de la quote-part de l'Etat membre dont la monnaie est demandée.

Section 3.—Contrôle des transferts de capitaux

Les Etats membres peuvent exercer tous contrôles nécessaires pour réglementer les mouvements internationaux de capitaux, mais aucun Etat membre ne pourra exercer ces contrôles de manière à restreindre les paiements au titre des transactions courantes ou à retarder indûment les transferts de fonds, destinés au règlement d'engagements contractés, sauf dans les conditions prévues à l'article VII, section 3 b) et à l'article XIV, section 2.

ARTICLE VII

MONNAIES RARES

Section 1.—Pénurie générale d'une monnaie

Si le Fonds constate qu'il se produit une pénurie générale pour une monnaie déterminée, il peut en aviser les Etats membres et publier un rapport exposant les causes de la pénurie et contenant des recommandations propres à y mettre fin. Un représentant de l'Etat membre dont la monnaie est en cause participera à la rédaction de ce rapport.

Section 2.—Mesures visant à reconstituer les avoirs du Fonds en monnaies rares

Le Fonds pourra, s'il le juge utile pour reconstituer ses avoirs dans la monnaie d'un Etat membre, prendre l'une ou l'autre des deux mesures suivantes ou ces deux mesures à la fois:

(I) Propose to the member that, on terms and conditions agreed between the Fund and the member, the latter lends its currency to the Fund or that, with the approval of the member, the Fund borrow such currency from some other source either within or outside the territories of the member, but no member shall be under any obligation to make such loans to the Fund or to approve the borrowing of its currency by the Fund from any other source.

(II) Require the member to sell its currency to the Fund for gold.

Section 3.—Scarcity of the Fund's holdings

(a) If it becomes evident to the Fund that the demand for a member's currency seriously threatens the Fund's ability to supply that currency, the Fund, whether or not it has issued a report under Section 1 of this Article, shall formally declare such currency scarce and shall thenceforth apportion its existing and accruing supply of the scarce currency with due regard to the relative needs of members, the general international economic situation and any other pertinent considerations. The Fund shall also issue a report concerning its action.

(b) A formal declaration under (a) above shall operate as an authorization to any member, after consultation with the Fund, temporarily to impose limitations on the freedom of exchange operations in the scarce currency. Subject to the provisions of Article IV, Sections 3 and 4, the member shall have complete jurisdiction in determining the nature of such limitations, but they shall be no more restrictive

I) Proposer à l'Etat membre que ce dernier prête de sa propre monnaie au Fonds, à des conditions et suivant des modalités dont le Fonds et l'Etat membre conviendront, ou que le Fonds emprunte, avec l'approbation de l'Etat membre, de la monnaie de cet Etat à quelque autre détenteur, à l'intérieur ou à l'extérieur des territoires dudit Etat membre. Toutefois, aucun Etat membre ne sera tenu de consentir de tels prêts au Fonds, ni de donner son approbation à ce que le Fonds emprunte de sa monnaie à quelque autre détenteur.

II) Demander à l'Etat membre de vendre de sa monnaie au Fonds contre de l'or.

Section 3.—Insuffisance des avoirs du Fonds

a) S'il apparaît au Fonds que la demande portant sur la monnaie d'un Etat membre met sérieusement en péril l'aptitude du Fonds à fournir ladite monnaie, le Fonds, qu'il ait ou non publié le rapport prévu à la section 1 du présent article, déclarera officiellement que ladite monnaie est rare. A partir de ce moment, il allouera ses disponibilités et ses rentrées dans la monnaie rare en tenant dûment compte des besoins relatifs de chacun des Etats membres, de la situation économique générale sur le plan international et de toutes autres considérations pertinentes. Le Fonds publiera en outre un rapport sur les mesures qu'il aura prises.

b) La déclaration officielle faite en vertu du paragraphe a) ci-dessus vaudra autorisation d'imposer à tout Etat membre, après consultation avec le Fonds, des limitations temporaires à la liberté des opérations de change sur la monnaie rare. Sous réserve des dispositions de l'article IV, sections 3 et 4, l'Etat membre aura pleine compétence pour déterminer la nature de ces limitations; toutefois, elles ne devront pas être

than is necessary to limit the demand for the scarce currency to the supply held by, or accruing to, the member in question; and they shall be relaxed and removed as rapidly as conditions permit.

(c) The authorization under (b) above shall expire whenever the Fund formally declares the currency in question to be no longer scarce.

Section 4.—Administration of restrictions

Any member imposing restrictions in respect of the currency of any other member pursuant to the provisions of Section 3 (b) of this Article shall give sympathetic consideration to any representations by the other member regarding the administration of such restrictions.

Section 5.—Effect of other international agreements on restrictions

Members agree not to invoke the obligations of any engagements entered into with other members prior to this Agreement in such a manner as will prevent the operation of the provisions of this Article.

ARTICLE VIII

GENERAL OBLIGATIONS OF MEMBERS

Section 1.—Introduction

In addition to the obligations assumed under other articles of this Agreement, each member undertakes the obligations set out in this Article.

Section 2.—Avoidance of restrictions on current payments

(a) Subject to the provisions of Article VII, Section 3 (b), and Article XIV, Section 2, no member

plus restrictives qu'il n'est nécessaire pour limiter la demande de monnaie rare aux disponibilités et rentrées de l'Etat membre intéressé, et elles devront être assouplies et abrogées dès que les circonstances le permettront.

c) L'autorisation visée au paragraphe b) ci-dessus expirera dès que le Fonds aura déclaré officiellement que ladite monnaie a cessé d'être rare.

Section 4.—Application des restrictions

Tout Etat membre qui impose des restrictions à l'égard de la monnaie de tout autre Etat membre, conformément aux dispositions de la section 3 b) du présent article, examinera avec bienveillance toute représentation faite par cet autre Etat membre au sujet de l'application de ces restrictions.

Section 5.—Effets des autres accords internationaux sur les restrictions

Les Etats membres conviennent de ne pas invoquer les obligations découlant d'engagements contractés avec d'autres Etats membres antérieurement au présent accord, en un sens qui ferait obstacle à l'exécution des dispositions du présent article.

ARTICLE VIII

OBLIGATIONS GÉNÉRALES DES ÉTATS MEMBRES

Section 1.—Introduction

En plus des obligations assumées conformément à d'autres articles du présent accord, tout Etat membre souscrit aux obligations énoncées au présent article.

Section 2.—Obligation de s'abstenir d'imposer des restrictions sur les paiements courants

a) Sous réserve des dispositions de l'article VII, section 3 b), et de l'article XIV, section 2, aucun Etat

shall, without the approval of the Fund, impose restrictions on the making of payments and transfers for current international transactions.

(b) Exchange contracts which involve the currency of any member and which are contrary to the exchange control regulations of that member maintained or imposed consistently with this Agreement shall be unenforceable in the territories of any member. In addition, members may, by mutual accord, cooperate in measures for the purpose of making the exchange control regulations of either member more effective, provided that such measures and regulations are consistent with this Agreement.

Section 3.—Avoidance of discriminatory currency practices

No member shall engage in, or permit any of its fiscal agencies referred to in Article V, Section 1, to engage in, any discriminatory currency arrangements or multiple currency practices except as authorized under this Agreement or approved by the Fund. If such arrangements and practices are engaged in at the date when this Agreement enters into force the member concerned shall consult with the Fund as to their progressive removal unless they are maintained or imposed under Article XIV, Section 2, in which case the provisions of Section 4 of that Article shall apply.

Section 4.—Convertibility of foreign held balances

(a) Each member shall buy balances of its currency held by another member if the latter, in requesting the purchase, represents

membre n'imposera, sans l'approbation du Fonds, de restrictions sur les paiements et transferts effectués à l'occasion d'opérations internationales courantes.

b) Les contrats de change qui portent sur la monnaie d'un Etat membre et qui sont contraires à la réglementation sur le contrôle des changes que cet Etat membre maintient ou impose en conformité du présent accord ne seront exécutoires sur les territoires d'aucun Etat membre. En outre, les Etats membres peuvent, par accord mutuel, coopérer en prenant des mesures pour rendre plus efficace la réglementation sur le contrôle des changes de l'un d'entre eux, à condition que lesdites mesures et réglementations soient compatibles avec le présent accord.

Section 3.—Obligation de s'abstenir de pratiques discriminatoires en matière monétaire

Aucun Etat membre ne recourra ni ne permettra à aucun de ses organes financiers visés à l'Article V, section 1, de recourir à des arrangements monétaires de nature discriminatoire ou à des pratiques de monnaie multiple, à moins que ces arrangements ou pratiques ne soient autorisés par le présent accord ou approuvés par le Fonds. Si lesdits arrangements ou pratiques ont cours à la date de l'entrée en vigueur du présent accord, l'Etat membre intéressé conférera avec le Fonds au sujet de leur suppression progressive, à moins qu'ils ne soient maintenus ou imposés au titre de l'article XIV, section 2, auquel cas il sera fait application des dispositions de la section 4 dudit article.

Section 4.—Convertibilité des soldes débiteurs extérieurs

a) Tout Etat membre achètera les soldes dans sa propre monnaie détenus par un autre Etat membre si ce dernier, en demandant ce rachat, fait valoir :

(I) that the balances to be bought have been recently acquired as a result of current transactions; or

(II) that their conversion is needed for making payments for current transactions.

The buying member shall have the option to pay either in the currency of the member making the request or in gold.

(b) The obligation in (a) above shall not apply

(I) when the convertibility of the balances has been restricted consistently with Section 2 of this Article, or Article VI, Section 3; or

(II) when the balances have accumulated as a result of transactions effected before the removal by a member of restrictions maintained or imposed under Article XIV, Section 2; or

(III) when the balances have been acquired contrary to the exchange regulations of the member which is asked to buy them; or

(IV) when the currency of the member requesting the purchase has been declared scarce under Article VII, Section 3 (a); or

(v) when the member requested to make the purchase is for any reason not entitled to buy currencies of other members from the Fund for its own currency.

Section 5.—Furnishing of information

(a) The Fund may require members to furnish it with such information as it deems necessary for its operations, including, as the minimum necessary for the effective discharge of the Fund's duties, national data on the following matters:

(I) Official holdings at home and abroad of (1) gold, (2) foreign exchange.

1) que les soldes à racheter ont été récemment acquis par le jeu d'opérations courantes; ou

II) que leur conversion est nécessaire pour effectuer des paiements relatifs à des opérations courantes.

L'Etat membre acheteur aura la faculté de payer, soit dans la monnaie de l'Etat membre demandeur, soit en or.

b) L'obligation définie au paragraphe a) ci-dessus ne s'appliquera pas:

I) lorsque la convertibilité des soldes aura été restreinte d'une manière compatible avec les dispositions de la section 2 du présent article ou de l'article VI, section 3; ou

II) lorsque les soldes sont le produit d'opérations effectuées avant la suppression, par un Etat membre, de restrictions maintenues ou imposées en vertu de l'article XIV, section 2; ou

III) lorsque les soldes auront été acquis d'une manière contraire à la réglementation sur le contrôle des changes de l'Etat membre auquel il est demandé de les racheter; ou

IV) lorsque la monnaie de l'Etat membre qui demande le rachat aura été déclarée rare, au titre de l'article VII, section 3 a); ou

v) lorsque l'Etat membre à qui il a été demandé d'opérer le rachat n'a pas le droit, pour une raison quelconque, d'acheter au Fonds de la monnaie d'autres Etats membres contre sa propre monnaie.

Section 5.—Obligation de fournir des renseignements

a) Le Fonds peut demander aux Etats membres de lui fournir toutes informations qu'il juge nécessaires à la conduite de ses opérations, y compris, à titre de minimum nécessaire pour permettre au Fonds de remplir efficacement sa tâche, les données suivantes sur leur pays:

I) Avoirs officiels intérieurs et extérieurs: 1) en or, 2) en devises étrangères.

(II) Holdings at home and abroad by banking and financial agencies, other than official agencies, of (1) gold, (2) foreign exchange.

(III) Production of gold.

(IV) Gold exports and imports according to countries of destination and origin.

(V) Total exports and imports of merchandise, in terms of local currency values, according to countries of destination and origin.

(VI) International balance of payments, including (1) trade in goods and services, (2) gold transactions, (3) known capital transactions, and (4) other items.

(VII) International investment position, *i.e.*, investments within the territories of the member owned abroad and investments abroad owned by persons in its territories so far as it is possible to furnish this information.

(VIII) National income.

(IX) Price indices, *i.e.*, indices of commodity prices in wholesale and retail markets and of export and import prices.

(X) Buying and selling rates for foreign currencies.

(XI) Exchange control, *i.e.*, a comprehensive statement of exchange controls in effect at the time of assuming membership in the Fund and details of subsequent changes as they occur.

(XII) Where official clearing arrangements exist, details of amounts awaiting clearance in respect of commercial and financial transactions, and of the length of time during which such arrears have been outstanding.

(b) In requesting information the Fund shall take into consideration the varying ability of members to furnish the data requested. Members

II) Avoirs intérieurs et extérieurs d'organismes bancaires et financiers autres que les organismes officiels: 1) en or, 2) en devises étrangères.

III) Production d'or.

IV) Exportations et importations d'or, par pays de destination et par pays d'origine.

V) Total des exportations et des importations de marchandises, évaluées en monnaie nationale, par pays de destination et par pays d'origine.

VI) Balance internationale des paiements, comprenant 1) les échanges de marchandises et de services; 2) les opérations sur l'or; 3) les opérations connues portant sur les capitaux et 4) les autres postes.

VII) Situation au regard des investissements internationaux, c'est-à-dire les investissements de l'étranger sur les territoires de l'Etat membre et les investissements faits à l'étranger par des personnes résidant dans les territoires dudit Etat membre, dans la mesure où il est possible de fournir ces renseignements.

VIII) Revenu national.

IX) Indices des prix, c'est-à-dire indices des prix des produits sur les marchés de gros et de détail et des prix à l'exportation et à l'importation.

X) Cours d'achat et de vente des monnaies étrangères.

XI) Contrôle des changes, c'est-à-dire exposé complet de la réglementation des changes en vigueur au moment où l'Etat est devenu membre du Fonds et indication détaillée des modifications subséquentes à mesure qu'elles surviennent.

XII) S'il existe des accords officiels de *clearing*, indication détaillée des montants restant à liquider à la suite d'opérations commerciales et financières, et du temps depuis lequel ces arriérés sont en suspens.

b) En demandant des renseignements, le Fonds prendra en considération le degré d'aptitude des Etats membres à fournir les don-

shall be under no obligation to furnish information in such detail that the affairs of individuals or corporations are disclosed. Members undertake, however, to furnish the desired information in as detailed and accurate a manner as is practicable, and, so far as possible, to avoid mere estimates.

(c) The Fund may arrange to obtain further information by agreement with members. It shall act as a centre for the collection and exchange of information on monetary and financial problems, thus facilitating the preparation of studies designed to assist members in developing policies which further the purposes of the Fund.

Section 6.—Consultation between members regarding existing international agreements

Where under this Agreement a member is authorized in the special or temporary circumstances specified in the Agreement to maintain or establish restrictions on exchange transactions, and there are other agreements between members entered into prior to this Agreement which conflict with the application of such restrictions, the parties to such engagements will consult with one another with a view to making such mutually acceptable adjustments as may be necessary. The provisions of this Article shall be without prejudice to the operation of Article VII, Section 5.

ARTICLE IX

STATUS, IMMUNITIES AND PRIVILEGES

Section 1.—Purpose of Article

To enable the Fund to fulfill the functions with which it is entrusted, the status, immunities and privileges set forth in this Article shall

nées demandées. Les Etats membres ne seront pas tenus de fournir des renseignements si détaillés qu'ils divulguent les affaires des particuliers ou des sociétés commerciales. Les Etats membres s'engagent cependant à fournir les renseignements désirés d'une manière aussi détaillée et précise qu'il leur sera possible et à éviter, dans la mesure où ils le pourront, de donner de simples évaluations.

c) Le Fonds pourra rechercher des renseignements supplémentaires par accord avec les Etats membres. Il servira de centre pour la réunion et l'échange d'informations sur les problèmes monétaires et financiers et facilitera ainsi la préparation d'études destinées à aider les Etats membres à mettre en œuvre une politique favorable aux buts du Fonds.

Section 6.—Obligation pour les Etats membres de se consulter au sujet des accords internationaux en vigueur

Lorsque, aux termes du présent accord, un Etat membre est autorisé, dans les circonstances spéciales ou temporaires spécifiées au présent accord, à maintenir ou à établir des restrictions sur les opérations de change, et qu'il existe entre les Etats membres d'autres engagements, contractés antérieurement au présent accord et incompatibles avec l'application desdites restrictions, les parties à de tels engagements se consulteront en vue d'effectuer les ajustements mutuellement acceptables qui pourront être nécessaires. Les dispositions du présent article ne feront pas obstacle à l'application de l'article VII, section 5.

ARTICLE IX

STATUT, IMMUNITÉS ET PRIVILÈGES

Section 1.—Objet du présent article

Pour mettre le Fonds en mesure de remplir les fonctions qui lui sont confiées, le statut, les immunités et privilèges définis dans le présent

be accorded to the Fund in the territories of each member.

Section 2.—Status of the Fund

The Fund shall possess full juridical personality, and, in particular, the capacity:

- (I) to contract;
- (II) to acquire and dispose of immovable and movable property;
- (III) to institute legal proceedings.

Section 3.—Immunity from judicial process

The Fund, its property and its assets, wherever located and by whomsoever held, shall enjoy immunity from every form of judicial process except to the extent that it expressly waives its immunity for the purpose of any proceedings or by the terms of any contract.

Section 4.—Immunity from other action

Property and assets of the Fund, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5.—Immunity of archives

The archives of the Fund shall be inviolable.

Section 6.—Freedom of assets from restrictions

To the extent necessary to carry out the operations provided for in this Agreement, all property and assets of the Fund shall be free from restrictions, regulations, controls and moratoria of any nature.

Section 7.—Privilege for communications

The official communications of the Fund shall be accorded by members the same treatment as the official communications of other members.

article seront accordés au Fonds dans les territoires de chaque Etat membre.

Section 2.—Statut du Fonds

Le Fonds possédera la pleine personnalité juridique et, en particulier, la capacité:

- I) de contracter;
- II) d'acquérir et de disposer des biens meubles et immeubles;
- III) d'ester en justice.

Section 3.—Immunité de juridiction

Le Fonds, ses biens et ses avoirs, en quelque lieu qu'ils se trouvent et quel qu'en soit le détenteur, jouiront de l'immunité de juridiction, sauf dans la mesure où le Fonds renoncera expressément à son immunité à l'occasion d'une action en justice ou aux termes d'un contrat.

Section 4.—Autres immunités

Les biens et avoirs du Fonds, en quelque lieu qu'ils se trouvent et quels qu'en soient les détenteurs, seront exempts de perquisition, réquisition, confiscation, expropriation ou toute autre forme de saisie de la part du pouvoir exécutif ou du pouvoir législatif.

Section 5.—Inviolabilité des archives

Les archives du Fonds seront inviolables.

Section 6.—Immunité des avoirs à l'égard des mesures restrictives

Dans la mesure nécessaire à l'accomplissement des opérations prévues dans le présent accord, tous les biens et avoirs du Fonds seront exempts de restrictions, réglementations, contrôles et moratoires de toute nature.

Section 7.—Privilèges en matière de communication

Les communications officielles du Fonds seront traitées par tout Etat membre de la même manière que les communications officielles émanant des autres Etats membres.

Section 8.—Immunities and privileges of officers and employees

All governors, executive directors, alternates, officers and employees of the Fund

(I) shall be immune from legal process with respect to acts performed by them in their official capacity except when the Fund waives this immunity.

(II) not being local nationals, shall be granted the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members.

(III) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Section 9.—Immunities from taxation

(a) The Fund, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from all taxation and from all customs duties. The Fund shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Fund to executive directors, alternates, officers or employees of the Fund who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or secu-

Section 8.—Immunités et privilèges des fonctionnaires et employés

Tous les gouverneurs, administrateurs, suppléants, fonctionnaires et employés du Fonds:

I) ne pourront faire l'objet de poursuites à raison des actes accomplis par eux dans l'exercice de leurs fonctions, sauf lorsque le Fonds aura levé cette immunité;

II) jouiront, s'ils ne sont pas ressortissants de l'Etat où ils exercent leurs fonctions, des mêmes immunités, en matière de mesures restrictives relatives à l'immigration, de formalités d'enregistrement des étrangers et d'obligations de service national, ainsi que des mêmes facilités, en ce qui concerne les restrictions de change, que celles que les Etats membres accordent aux représentants, fonctionnaires et employés de rang comparable des autres Etats membres;

III) jouiront, pour leurs déplacements, des mêmes facilités que celles que les Etats membres accordent aux représentants, fonctionnaires et employés de rang comparable d'autres Etats membres.

Section 9.—Immunités relatives aux charges fiscales

a) Le Fonds, ses avoirs, biens, revenus, ainsi que ses opérations et transactions autorisées par le présent accord, seront exonérés de tous impôts et de tous droits de douane. Le Fonds sera également exempt de toute obligation relative au recouvrement ou au paiement d'un impôt ou droit quelconque.

b) Aucun impôt ne sera perçu sur les traitements et émoluments versés par le Fonds aux administrateurs, suppléants, fonctionnaires ou employés du Fonds qui ne sont pas citoyens, sujets ou ressortissants, à un autre titre, du pays où ils exercent leurs fonctions.

c) Aucun impôt, de quelque nature que ce soit, ne sera perçu sur les

rity issued by the Fund, including any dividend or interest thereon, by whomsoever held

(I) which discriminates against such obligation or security solely because of its origin; or

(II) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Fund.

Section 10.—Application of Article

Each member shall take such action as is necessary in its own territories for the purpose of making effective in terms of its own law the principles set forth in this Article and shall inform the Fund of the detailed action which it has taken.

ARTICLE X

RELATIONS WITH OTHER INTERNATIONAL ORGANIZATIONS

The Fund shall co-operate within the terms of this Agreement with any general international organization and with public international organizations having specialized responsibilities in related fields. Any arrangements for such co-operation which would involve a modification of any provision of this Agreement may be effected only after amendment to this Agreement under Article XVII.

ARTICLE XI

RELATIONS WITH NON-MEMBER COUNTRIES

Section 1.—Undertakings regarding relations with non-member countries

Each member undertakes:

(1) Not to engage in, nor to per-

obligations ou les valeurs émises par le Fonds, y compris les dividendes ou intérêts qui en proviennent, quel que soit le détenteur de ces titres:

1) si cet impôt a, à l'égard de ces obligations ou valeurs, un caractère discriminatoire basé exclusivement sur leur origine; ou

II) si cet impôt a pour seule base juridique le lieu ou la monnaie d'émission, le lieu ou la monnaie de règlement prévu ou effectif, ou l'emplacement d'un bureau ou centre d'opérations du Fonds.

Section 10.—Application du présent article

Chaque Etat membre prendra, dans ses propres territoires, toutes les mesures nécessaires pour assurer l'application, dans sa propre législation, des principes énoncés dans le présent article et il informera le Fonds du détail des mesures qu'il aura prises.

ARTICLE X

RELATIONS AVEC D'AUTRES ORGANISATIONS INTERNATIONALES

Le Fonds collaborera, dans le cadre du présent accord, avec toute organisation internationale générale ainsi qu'avec les organisations internationales de droit public qui exercent des fonctions spécialisées dans des domaines connexes. Tout accord en vue d'une telle collaboration qui impliquerait une modification d'une clause quelconque du présent accord ne pourra être conclu que lorsque le présent accord aura fait l'objet d'un amendement conformément aux dispositions de l'article XVII.

ARTICLE XI

RELATIONS AVEC LES ÉTATS NON MEMBRES

Section 1.—Obligations concernant les relations avec les Etats non membres

Chaque Etat membre s'engage:

1) A n'effectuer ou ne permettre

mit any of its fiscal agencies referred to in Article V, Section 1, to engage in, any transactions with a non-member or with persons in a non-member's territories which would be contrary to the provisions of this Agreement or the purposes of the Fund;

(II) Not to co-operate with a non-member or with persons in a non-member's territories in practices which would be contrary to the provisions of this Agreement or the purposes of the Fund; and

(III) To co-operate with the Fund with a view to the application in its territories of appropriate measures to prevent transactions with non-members or with persons in their territories which would be contrary to the provisions of this Agreement or the purposes of the Fund.

Section 2.—Restrictions on transactions with non-member countries

Nothing in this Agreement shall affect the right of any member to impose restrictions on exchange transactions with non-members or with persons in their territories unless the Fund finds that such restrictions prejudice the interests of members and are contrary to the purposes of the Fund.

ARTICLE XII

ORGANIZATION AND MANAGEMENT

Section 1.—Structure of the Fund

The Fund shall have a Board of Governors, Executive Directors, a Managing Director and a staff.

Section 2.—Board of Governors

(a) All powers of the Fund shall be vested in the Board of Governors, consisting of one governor and one alternate appointed by each member in such manner as it may determine.

aux organismes financiers visés à l'article V, section 1, d'effectuer avec un Etat non membre ou avec des personnes résidant sur les territoires d'un Etat non membre aucune opération qui serait contraire aux clauses du présent accord ou aux buts du Fonds;

II) A ne pas se livrer, en collaboration avec un Etat non membre ou avec des personnes résidant sur les territoires d'un Etat non membre, à des pratiques qui seraient contraires aux clauses du présent accord ou aux buts du Fonds; et

III) A coopérer avec le Fonds en vue de l'application, sur ses propres territoires, de mesures appropriées pour empêcher que soient effectuées avec des Etats non membres ou avec des personnes résidant sur leurs territoires, des opérations contraires aux clauses du présent accord ou aux buts du Fonds.

Section 2.—Restrictions sur les opérations avec les Etats non membres

Aucune disposition du présent accord n'affectera le droit de tout Etat membre d'imposer des restrictions sur les opérations de change effectuées avec des Etats non membres ou avec des personnes résidant sur les territoires de ces Etats, à moins que le Fonds n'estime que de telles restrictions portent atteinte aux intérêts des Etats membres et sont contraires aux buts du Fonds.

ARTICLE XII

ORGANISATION ET ADMINISTRATION

Section 1.—Structure du Fonds

Le Fonds comprendra un conseil des gouverneurs, des administrateurs, un directeur général et un personnel.

Section 2.—Conseil des gouverneurs

a) Tous les pouvoirs du Fonds sont dévolus au conseil des gouverneurs qui comprendra pour chaque Etat membre un gouverneur et un suppléant nommés par ledit Etat membre

Each governor and each alternate shall serve for five years, subject to the pleasure of the member appointing him, and may be reappointed. No alternate may vote except in the absence of his principal. The Board shall select one of the governors as chairman.

(b) The Board of Governors may delegate to the Executive Directors authority to exercise any powers to the Board, except the power to:

(i) Admit new members and determine the conditions of their admission.

(ii) Approve a revision of quotas.

(iii) Approve a uniform change in the par value of the currencies of all members.

(iv) Make arrangements to cooperate with other international organizations (other than informal arrangements of a temporary or administrative character).

(v) Determine the distribution of the net income of the Fund.

(vi) Require a member to withdraw.

(vii) Decide to liquidate the Fund.

(viii) Decide appeals from interpretations of this Agreement given by the Executive Directors.

(c) The Board of Governors shall hold an annual meeting and such other meetings as may be provided for by the Board or called by the Executive Directors. Meetings of the Board shall be called by the Directors whenever requested by five members or by members having one quarter of the total voting power.

(d) A quorum for any meeting of the Board of Governors shall be a majority of the governors exercising not less than two-thirds of the total voting power.

(e) Each governor shall be entitled to cast the number of votes allotted

de la manière qu'il fixera. Chacun des gouverneurs et des suppléants restera en fonctions pendant cinq ans, à moins que l'Etat membre qui l'a nommé n'en décide autrement, et il pourra être nommé à nouveau. Aucun suppléant ne sera admis à voter sauf en cas d'absence du titulaire. Le conseil choisira son président parmi les gouverneurs.

b) Le conseil des gouverneurs pourra déléguer aux administrateurs le droit d'exercer tous ses pouvoirs, à l'exception des pouvoirs:

i) D'admettre de nouveaux Etats membres et de fixer les conditions de leur admission;

ii) D'approuver une revision des quotes-parts;

iii) D'approuver une modification uniforme du pair des monnaies de tous les Etats membres;

iv) De conclure des arrangements en vue de coopérer avec d'autres organisations internationales (sauf s'il s'agit d'arrangements non officiels de nature temporaire ou administrative);

v) De fixer la répartition du revenu net du Fonds;

vi) D'inviter un Etat membre à se retirer;

vii) De décider la liquidation du Fonds;

viii) De statuer en appel sur les interprétations du présent accord données par les administrateurs.

c) Le conseil des gouverneurs tiendra une réunion annuelle et toutes autres réunions qui seraient prévues par le conseil ou convoquées par les administrateurs. Le conseil sera convoqué par les administrateurs sur la demande de cinq Etats membres ou d'Etats membres réunissant le quart des voix attribuées.

d) Le quorum pour toute séance du conseil des gouverneurs sera constitué par une majorité des gouverneurs disposant des deux tiers au moins du total des voix attribuées.

e) Chaque gouverneur disposera du nombre de voix que possède, en

under Section 5 of this Article to the member appointing him.

(f) The Board of Governors may by regulation establish a procedure whereby the Executive Directors, when they deem such action to be in the best interests of the Fund, may obtain a vote of the governors on a specific question without calling a meeting of the Board.

(g) The Board of Governors, and the Executive Directors to the extent authorized, may adopt such rules and regulations as may be necessary or appropriate to conduct the business of the Fund.

(h) Governors and alternates shall serve as such without compensation from the Fund, but the Fund shall pay them reasonable expenses incurred in attending meetings.

(i) The Board of Governors shall determine the remuneration to be paid to the Executive Directors and the salary and terms of the contract of service of the Managing Director.

Section 3.—Executive Directors

(a) The Executive Directors shall be responsible for the conduct of the general operations of the Fund, and for this purpose shall exercise all the powers delegated to them by the Board of Governors.

(b) There shall be not less than twelve directors who need not be governors, and of whom

(I) Five shall be appointed by the five members having the largest quotas;

(II) Not more than two shall be appointed when the provisions of (c) below apply;

(III) Five shall be elected by the members not entitled to appoint directors, other than the American Republics; and

vertu de la section 5 du présent article, l'Etat membre qui l'a nommé.

f) Le conseil des gouverneurs pourra, par voie de règlement, instituer une procédure permettant aux administrateurs, quand ils le jugeront conforme aux intérêts du Fonds, d'obtenir un vote des gouverneurs sur une question déterminée, sans réunir le conseil.

g) Le conseil des gouverneurs et, dans la mesure où ils en ont le pouvoir, les administrateurs pourront adopter les règles et règlements nécessaires ou utiles à la conduite des affaires du Fonds.

h) Les fonctions de gouverneur et desuppléant ne seront pas rémunérées par le Fonds. Toutefois, le Fonds remboursera aux gouverneurs et aux suppléants les dépenses raisonnables qu'ils auront encourues pour assister aux réunions.

i) Le conseil des gouverneurs fixera le montant de la rémunération allouée aux administrateurs ainsi que le traitement et les clauses du contrat d'engagement du directeur général.

Section 3.—Administrateurs

a) Les administrateurs seront chargés de la conduite des opérations générales du Fonds et, à cette fin, exerceront tous les pouvoirs qui leur seront délégués par le conseil des gouverneurs.

b) Les administrateurs, qui ne seront pas obligatoirement des gouverneurs, seront au moins au nombre de douze, dont:

I) Cinq seront nommés par les cinq Etats membres dont les quotes-parts sont les plus élevées;

II) Deux, au plus, seront nommés lorsqu'il y aura lieu d'appliquer les dispositions du paragraphe c) ci-dessous;

III) Cinq seront élus par ceux des Etats membres, autres que les Républiques américaines, qui ne possèdent pas le droit de nommer des administrateurs;

(iv) Two shall be elected by the American Republics not entitled to appoint directors.

For the purposes of this paragraph, members means governments of countries whose names are set forth in Schedule A, whether they become members in accordance with Article XX or in accordance with Article II, Section 2. When governments of other countries become members, the Board of Governors may, by a four-fifths majority of the total voting power, increase the number of directors to be elected.

(c) If, at the second regular election of directors and thereafter, the members entitled to appoint directors under (b) (1) above do not include the two members, the holdings of whose currencies by the Fund have been, on the average over the preceding two years, reduced below their quotas by the largest absolute amounts in terms of gold as a common denominator, either one or both of such members, as the case may be, shall be entitled to appoint a director.

(d) Subject to Article XX, Section 3 (b), elections of elective directors shall be conducted at intervals of two years in accordance with the provisions of Schedule C, supplemented by such regulations as the Fund deems appropriate. Whenever the Board of Governors increases the number of directors to be elected under (b) above, it shall issue regulations making appropriate changes in the proportion of votes required to elect directors under the provisions of Schedule C.

(e) Each director shall appoint an alternate with full power to act for

iv) Deux seront élus par celles des Républiques américaines qui ne possèdent pas le droit de nommer des administrateurs.

Aux fins d'application du présent paragraphe, il faut entendre par "Etat membre" les gouvernements des pays énumérés à l'annexe A, qu'ils deviennent membres en vertu de l'article XX ou en vertu de l'article II, section 2. Lorsque les gouvernements d'autres pays deviendront membres, le conseil des gouverneurs pourra, à la majorité des quatre cinquièmes du total des voix attribuées, augmenter le nombre des administrateurs à élire.

c) Si, lors de la seconde élection ordinaire d'administrateurs et par la suite, les Etats membres ayant le droit de nommer des administrateurs en vertu du paragraphe b) 1) ci-dessus ne comprennent pas les deux Etats membres dont les avoirs détenus par le Fonds dans leur monnaie ont subi, si l'on considère la moyenne des deux années précédentes, la plus forte réduction absolue, évaluée en or pris comme commun dénominateur, au-dessous de leurs quotes-parts, l'un de ces Etats membres ou les deux à la fois, suivant le cas, auront le droit de nommer un administrateur.

d) Sous réserve des dispositions de l'article XX, section 3 b), les élections des administrateurs choisis par voie d'élection auront lieu tous les deux ans, conformément aux dispositions de l'annexe C, complétées par tels règlements que le Fonds jugera appropriés. Toutes les fois que le conseil des gouverneurs augmentera le nombre des administrateurs qui doivent être élus suivant les dispositions du paragraphe b) ci-dessus, il apportera, par voie de règlement, les modifications appropriées à la proportion des voix requises pour élire des administrateurs conformément aux dispositions de l'annexe C.

e) Chaque administrateur nommera un suppléant qui en son ab-

him when he is not present. When the directors appointing them are present, alternates may participate in meetings but may not vote.

(f) Directors shall continue in office until their successors are appointed or elected. If the office of an elected director becomes vacant more than ninety days before the end of his term, another director shall be elected for the remainder of the term by the members who elected the former director. A majority of the votes cast shall be required for election. While the office remains vacant, the alternate of the former director shall exercise his powers, except that of appointing an alternate.

(g) The Executive Directors shall function in continuous session at the principal office of the Fund and shall meet as often as the business of the Fund may require.

(h) A quorum for any meeting of the Executive Directors shall be a majority of the directors representing not less than one-half of the voting power.

(i) Each appointed director shall be entitled to cast the number of votes allotted under Section 5 of this Article to the member appointing him. Each elected director shall be entitled to cast the number of votes which counted towards his election. When the provisions of Section 5 (b) of this Article are applicable, the votes which a director would otherwise be entitled to cast shall be increased or decreased correspondingly. All the votes which a director is entitled to cast shall be cast as a unit.

(j) The Board of Governors shall adopt regulations under which a member not entitled to appoint a

sence aura pleins pouvoirs pour agir en son nom. Lorsque l'administrateur qui l'a nommé est présent, le suppléant peut prendre part aux débats mais ne dispose pas du droit de vote.

f) Les administrateurs resteront en fonctions tant que leurs successeurs n'auront pas été nommés ou élus. Si le poste d'un administrateur élu devient vacant plus de quatre-vingt-dix jours avant l'expiration du mandat de cet administrateur, un autre administrateur sera élu pour la période du mandat restant à courir, par les Etats membres ayant élu l'administrateur précédent. L'élection aura lieu à la majorité des voix exprimées. Pendant la vacance du poste, le suppléant de l'ancien administrateur exercera les pouvoirs de ce dernier, sauf celui de nommer un suppléant.

g) Les administrateurs se tiendront en session permanente au siège central du Fonds et se réuniront aussi souvent que l'exigeront les affaires du Fonds.

h) Le quorum de toute réunion des administrateurs sera constitué par une majorité des administrateurs ne représentant pas moins de la moitié du total des voix attribuées.

i) Chaque administrateur nommé disposera du nombre des voix qui ont été attribuées, en vertu de la section 5 du présent article, à l'Etat membre qui l'a nommé. Chaque administrateur élu disposera du nombre de voix ayant compté pour son élection. Lorsqu'il y a lieu d'appliquer les dispositions de la section 5 b) du présent article, le nombre de voix dont aurait disposé autrement un administrateur devra être augmenté ou diminué, ainsi qu'il est prévu par lesdites dispositions. Toutes les voix dont dispose un administrateur seront utilisées en bloc.

j) Le conseil des gouverneurs adoptera un règlement permettant à un Etat membre qui n'a pas le droit

director under (b) above may send a representative to attend any meeting of the Executive Directors when a request made by, or a matter particularly affecting, that member is under consideration.

(k) The Executive Directors may appoint such committees as they deem advisable. Membership of committees need not be limited to governors or directors or their alternates.

Section 4.—Managing Director and staff

(a) The Executive Directors shall select a Managing Director who shall not be a governor or an executive director. The Managing Director shall be chairman of the Executive Directors, but shall have no vote except a deciding vote in case of an equal division. He may participate in meetings of the Board of Governors, but shall not vote at such meetings. The Managing Director shall cease to hold office when the Executive Directors so decide.

(b) The Managing Director shall be chief of the operating staff of the Fund and shall conduct, under the direction of the Executive Directors, the ordinary business of the Fund. Subject to the general control of the Executive Directors, he shall be responsible for the organization, appointment and dismissal of the staff of the Fund.

(c) The Managing Director and the staff of the Fund, in the discharge of their functions, shall owe their duty entirely to the Fund and to no other authority. Each member of the Fund shall respect the international character of this duty and shall refrain from all attempts to influence any of the staff in the discharge of his functions.

(d) In appointing the staff the

de nommer un administrateur aux termes du paragraphe b) ci-dessus d'envoyer un représentant qui assistera à toute réunion des administrateurs où sera examinée une demande présentée par cet Etat membre ou une question le concernant particulièrement.

k) Les administrateurs peuvent nommer tels comités qu'ils jugent utiles. La composition desdits comités n'est pas nécessairement limitée aux gouverneurs, aux administrateurs ou à leur suppléants.

Section 4.—Directeur général et personnel

a) Les administrateurs choisiront un directeur général en dehors des gouverneurs et des administrateurs. Le directeur général présidera les réunions des administrateurs, mais il n'aura pas le droit de vote, sauf en cas de partage égal des voix, auquel cas sa voix sera prépondérante. Il pourra participer aux séances du conseil des gouverneurs, mais il n'aura pas le droit de vote. Le directeur général cessera ses fonctions lorsque les administrateurs en décideront ainsi.

b) Le directeur général sera le chef du personnel administratif du Fonds et dirigera, sous l'autorité des administrateurs, les affaires courantes du Fonds. Sous le contrôle général des administrateurs, il sera chargé de l'organisation des services ainsi que de la nomination et de la révocation du personnel du Fonds.

c) Dans l'exercice de leurs fonctions, le directeur général et le personnel du Fonds seront entièrement au service du Fonds, à l'exclusion de toute autre autorité. Chaque Etat membre du Fonds respectera le caractère international de cette obligation et s'abstiendra de toute tentative d'influence sur un membre quelconque du personnel dans l'exercice de ses fonctions.

d) En procédant à la nomination

Managing Director shall, subject to the paramount importance of securing the highest standards of efficiency and of technical competence, pay due regard to the importance of recruiting personnel on as wide a geographical basis as possible.

Section 5.—Voting

(a) Each member shall have two hundred and fifty votes plus one additional vote for each part of its quota equivalent to one hundred thousand United States dollars.

(b) Whenever voting is required under Article V, Section 4 or 5, each member shall have the number of votes to which it is entitled under (a) above, adjusted:

(i) by the addition of one vote for the equivalent of each 400,000 United States dollars of net sales of its currency up to the date when the vote is taken, or

(ii) by the subtraction of one vote for the equivalent of each 400,000 United States dollars of its net purchases of the currencies of other members up to the date when the vote is taken

provided, that neither net purchases nor net sales shall be deemed at any time to exceed an amount equal to the quota of the member involved.

(c) For the purpose of all computations under this Section, United States dollars shall be deemed to be of the weight and fineness in effect on July 1, 1944, adjusted for any uniform change under Article IV, Section 7, if a waiver is made under Section 8 (d) of that Article.

du personnel, le directeur général devra dûment prendre en considération l'importance d'un recrutement effectué sur une base géographique aussi large que possible, en tenant compte qu'il est d'importance primordiale de s'assurer les services de personnes possédant les plus hautes qualités de travail et de compétence technique.

Section 5.—Votes

a) Chaque Etat membre disposera de deux cent cinquante voix, plus une voix supplémentaire à raison de chaque fraction de sa quote-part équivalant à cent mille dollars des Etats-Unis.

b) Toutes les fois qu'il y aura lieu de procéder à un vote en vertu de l'article V, section 4 ou section 5, chaque Etat membre disposera du nombre de voix auquel il a droit, en vertu des dispositions du paragraphe a) ci-dessus, compte tenu des ajustements suivants:

i) une voix supplémentaire sera accordée à raison de chaque tranche équivalant à quatre cent mille dollars des Etats-Unis de ventes nettes de sa monnaie jusqu'à la date du vote;

ii) une voix sera déduite à raison de chaque tranche équivalant à quatre cent mille dollars des Etats-Unis, de ses achats nets de monnaie des autres Etats membres jusqu'à la date du vote;

étant entendu qu'à aucun moment les achats nets ou les ventes nettes ne seront considérées comme dépassant un montant égal à la quote-part de l'Etat membre dont il s'agit.

c) Dans tous les calculs prévus à la présente section, les dollars des Etats-Unis seront considérés comme étant du poids et du titre en vigueur au 1^{er} juillet 1944, ajustés en tenant compte de toutes modifications apportées suivant une proportion uniforme, en vertu de l'article IV, section 7, si une dérogation est faite en application des dispositions du paragraphe 8 d) dudit article.

(d) Except as otherwise specifically provided, all decisions of the Fund shall be made by a majority of the votes cast.

Section 6.—Distribution of net income

(a) The Board of Governors shall determine annually what part of the Fund's net income shall be placed to reserve and what part, if any, shall be distributed.

(b) If any distribution is made, there shall first be distributed a two per cent. non-cumulative payment to each member on the amount by which seventy-five per cent. of its quota exceeded the Fund's average holdings of its currency during that year. The balance shall be paid to all members in proportion to their quotas. Payments to each member shall be made in its own currency.

Section 7.—Publication of reports

(a) The Fund shall publish an annual report containing an audited statement of its accounts, and shall issue, at intervals of three months or less, a summary statement of its transactions and its holdings of gold and currencies of members.

(b) The Fund may publish such other reports as it deems desirable for carrying out its purposes.

Section 8.—Communication of views to members

The Fund shall at all times have the right to communicate its views informally to any member on any matter arising under this Agreement. The Fund may, by a two-thirds majority of the total voting power, decide to publish a report made to a member regarding its monetary or economic conditions and developments which directly tend to produce a serious disequi-

d) A moins qu'il n'en soit autrement disposé d'une manière expresse, toutes les décisions du Fonds seront prises à la majorité des voix exprimées.

Section 6.—Répartition du revenu net

a) Le conseil des gouverneurs déterminera chaque année la part du revenu net du Fonds qui sera affectée aux réserves et la part qui sera, s'il y a lieu, distribuée.

b) En cas de distribution, chaque Etat membre recevra tout d'abord un versement non cumulatif de 2 pour 100 de la somme qu'il faut ajouter à la moyenne au cours de l'année, des avoirs du Fonds dans la monnaie de l'Etat membre pour obtenir une somme équivalant à 75 pour 100 de la quote-part dudit Etat. Le solde sera payé à tous les Etats membres au prorata de leurs quotes-parts. Les paiements seront faits à chaque Etat membre dans sa propre monnaie.

Section 7.—Publication de rapports

a) Le Fonds publiera un rapport annuel contenant un état dûment vérifié de ses comptes et il publiera, tous les trois mois ou à des dates plus rapprochées, un relevé de ses opérations et un relevé de ses avoirs en or et en monnaies des Etats membres.

b) Le Fonds pourra publier tous autres rapports qu'il jugera utiles à l'accomplissement de sa mission.

Section 8.—Communication d'avis aux Etats membres

Le Fonds aura, à tout moment, le droit de faire connaître à tout Etat membre, à titre officieux, son opinion sur tout problème soulevé par le présent accord. Le Fonds peut, à la majorité des deux tiers du total des voix attribuées, décider de publier un rapport adressé à un Etat membre concernant une évolution de la situation monétaire ou économique de cet Etat membre qui tendrait

librium in the international balance of payments of members. If the member is not entitled to appoint an executive director, it shall be entitled to representation in accordance with Section 3 (j) of this Article. The Fund shall not publish a report involving changes in the fundamental structure of the economic organization of members.

ARTICLE XIII

OFFICES AND DEPOSITORIES

Section 1.—Location of offices

The principal office of the Fund shall be located in the territory of the member having the largest quota, and agencies or branch offices may be established in the territories of other members.

Section 2.—Depositaries

(a) Each member country shall designate its central bank as a depository for all the Fund's holdings of its currency, or if it has no central bank it shall designate such other institution as may be acceptable to the Fund.

(b) The Fund may hold other assets, including gold, in the depositories designated by the five members having the largest quotas and in such other designated depositories as the Fund may select. Initially, at least one-half of the holdings of the Fund shall be held in the depository designated by the member in whose territories the Fund has its principal office and at least forty per cent. shall be held in the depositories designated by the remaining four members referred to above. However, all transfers of gold by the Fund shall be made with due regard to the costs of transport and anticipated requirements of the Fund. In an emergency the Executive

directement à provoquer un déséquilibre sérieux de la balance internationale des paiements des Etats membres. Si l'Etat membre n'a pas le droit de nommer un administrateur, il aura le droit de se faire représenter comme il est prévu à la section 3 j) du présent article. Le Fonds ne publiera aucun rapport où seraient envisagées des modifications de la structure fondamentale de l'organisation économique d'Etats membres.

ARTICLE XIII

BUREAUX ET ÉTABLISSEMENTS DÉPOSITAIRES

Section 1.—Emplacement des bureaux

Le siège central du Fonds sera situé sur le territoire de l'Etat membre ayant la quote-part la plus élevée; des agences ou des succursales pourront être établies sur les territoires d'autres Etats membres.

Section 2.—Dépositaires

a) Chaque Etat membre désignera sa banque centrale comme dépositaire de tous les avoirs du Fonds en sa propre monnaie. S'il ne possède pas de banque centrale, il désignera une autre institution susceptible d'être agréée par le Fonds.

b) Le Fonds pourra conserver les autres avoirs, y compris l'or, chez les dépositaires désignés par les cinq Etats membres ayant les quotes-parts les plus élevées et chez tels autres dépositaires désignés que le Fonds pourra choisir. A l'origine, la moitié au moins des avoirs du Fonds sera placée chez le dépositaire désigné par l'Etat membre dans les territoires duquel est situé le siège central du Fonds et 40 pour 100 au moins seront placés chez les dépositaires désignés par les quatre autres Etats membres visés ci-dessus. Toutefois, tous les transferts d'or auxquels procédera le Fonds seront effectués en tenant dûment compte des frais de transport et des besoins probables

Directors may transfer all or any part of the Fund's gold holdings to any place where they can be adequately protected.

Section 3.—Guarantee of the Fund's assets

Each member guarantees all assets of the Fund against loss resulting from failure or default on the part of the depository designated by it.

ARTICLE XIV

TRANSITIONAL PERIOD

Section 1.—Introduction

The Fund is not intended to provide facilities for relief or reconstruction or to deal with international indebtedness arising out of the war.

Section 2.—Exchange restrictions

In the post-war transitional period members may, notwithstanding the provisions of any other articles of this Agreement, maintain and adapt to changing circumstances (and, in the case of members whose territories have been occupied by the enemy, introduce where necessary) restrictions on payments and transfers for current international transactions. Members shall, however, have continuous regard in their foreign exchange policies to the purposes of the Fund; and, as soon as conditions permit, they shall take all possible measures to develop such commercial and financial arrangements with other members as will facilitate international payments and the maintenance of exchange stability. In particular, members shall withdraw restrictions maintained or imposed under this Section as soon as they are satisfied that they will be able, in the absence of such restrictions, to settle their balance of payments in a manner

du Fonds. Dans les circonstances graves, les administrateurs pourront transférer tout ou partie des avoirs or du Fonds en tout endroit où leur protection pourra être convenablement assurée.

Section 3.—Garantie de l'actif du Fonds

Chaque Etat membre garantit tous les éléments de l'actif du Fonds contre toute perte résultant d'un manquement ou de la défaillance du dépositaire désigné par lui.

ARTICLE XIV

PÉRIODE DE TRANSITION

Section 1.—Introduction

Le Fonds n'a pas pour objet de fournir des facilités pour l'assistance ou la reconstruction ou pour traiter les problèmes relatifs aux dettes internationales résultant de la guerre.

Section 2.—Restrictions de change

Pendant la période de transition d'après-guerre, les Etats membres pourront, nonobstant les dispositions de tous autres articles du présent accord, maintenir et adapter aux circonstances changeantes les restrictions sur les paiements et les transferts relatifs aux opérations internationales courantes et, dans le cas d'Etats membres dont les territoires ont été occupés par l'ennemi, instaurer, s'il y a lieu, de telles restrictions. Toutefois, dans leur politique en matière de changes, les Etats membres devront toujours tenir compte des buts du Fonds; dès que la situation le permettra, ils prendront toutes les mesures possibles pour conclure, avec les autres Etats membres, les arrangements commerciaux et financiers propres à faciliter les paiements internationaux et le maintien de la stabilité des changes. En particulier, les Etats membres supprimeront les restrictions maintenues ou instaurées en vertu de la présente section dès

which will not unduly encumber their access to the resources of the Fund.

Section 3.—Notification to the Fund

Each member shall notify the Fund before it becomes eligible under Article XX, Section 4 (c) or (d), to buy currency from the Fund, whether it intends to avail itself of the transitional arrangements in Section 2 of this Article, or whether it is prepared to accept the obligations of Article VIII, Sections 2, 3 and 4. A member availing itself of the transitional arrangements shall notify the Fund as soon thereafter as it is prepared to accept the above-mentioned obligations.

Section 4.—Action of the Fund relating to restrictions

Not later than three years after the date on which the Fund begins operations and in each year thereafter, the Fund shall report on the restrictions still in force under Section 2 of this Article. Five years after the date on which the Fund begins operations, and in each year thereafter, any member still retaining any restrictions inconsistent with Article VIII, Sections 2, 3 or 4, shall consult the Fund as to their further retention. The Fund may, if it deems such action necessary in exceptional circumstances, make representations to any member that conditions are favourable for the withdrawal of any particular restriction, or for the general abandonment of restrictions, inconsistent with the provisions of any other article of this Agreement. The member shall be given a suitable time to reply to such representations. If the Fund finds that the member persists in maintaining restrictions which are inconsistent with the purposes of the Fund, the member

qu'ils auront la certitude de pouvoir, sans ces restrictions, équilibrer leur balance des paiements sans avoir à faire appel d'une manière excessive aux ressources du Fonds.

Section 3.—Notification au Fonds

Avant d'être admis à acheter des monnaies au Fonds, en vertu de l'article XX, section 4 c) ou d), chaque Etat membre devra lui faire connaître s'il a l'intention de se prévaloir des dispositions transitoires prévues par la section 2 du présent article, ou s'il est prêt à accepter les obligations énoncées à l'article VIII, sections 2, 3 et 4. Tout Etat membre qui se prévaut des dispositions transitoires notifiera au Fonds, dès qu'il sera en mesure de le faire, qu'il est disposé à accepter les obligations visées ci-dessus.

Section 4.—Intervention du Fonds en matière de restrictions

Trois ans au plus tard après la date à laquelle le Fonds aura commencé ses opérations, et chaque année par la suite, le Fonds fera un rapport sur les restrictions encore en vigueur en vertu des dispositions de la section 2 du présent article. Cinq ans après la date à laquelle le Fonds aura commencé ses opérations, et chaque année par la suite, tout Etat membre qui maintiendra encore des restrictions incompatibles avec l'article VIII, sections 2, 3 ou 4, consultera le Fonds au sujet de leur maintien en vigueur. Le Fonds pourra, si des circonstances exceptionnelles lui paraissent rendre cette initiative nécessaire, représenter à l'Etat membre que la conjoncture est favorable à l'abrogation de telle ou telle restriction particulière ou à la suppression de toutes les restrictions incompatibles avec les dispositions de tout autre article du présent accord. Un délai raisonnable sera accordé à l'Etat membre intéressé pour répondre à ces représentations. Si le Fonds estime que

shall be subject to Article XV, Section 2 (a).

Section 5.—Nature of transitional period

In its relations with members, the Fund shall recognize that the post-war transitional period will be one of change and adjustment and in making decisions on requests occasioned thereby which are presented by any member it shall give the member the benefit of any reasonable doubt.

ARTICLE XV

WITHDRAWAL FROM MEMBERSHIP

Section 1.—Right of members to withdraw

Any member may withdraw from the Fund at any time by transmitting a notice in writing to the Fund at its principal office. Withdrawal shall become effective on the date such notice is received.

Section 2.—Compulsory withdrawal

(a) If a member fails to fulfill any of its obligations under this Agreement, the Fund may declare the member ineligible to use the resources of the Fund. Nothing in this Section shall be deemed to limit the provisions of Article IV, Section 6, Article V, Section 5, or Article VI, Section 1.

(b) If, after the expiration of a reasonable period the member persists in its failure to fulfill any of its obligations under this Agreement, or a difference between a member and the Fund under Article IV, Section 6, continues, that member may be required to withdraw from membership in the Fund by a decision of the

l'Etat membre persiste à maintenir des mesures restrictives incompatibles avec les buts du Fonds, l'Etat membre se verra appliquer les dispositions de l'article XV, section 2 a).

Section 5.—Caractère de la période de transition

Dans ses relations avec les Etats membres, le Fonds ne devra pas perdre de vue que la période de transition d'après-guerre sera une période de changement et d'ajustement et, lorsque des demandes résultant de cet état de choses lui seront présentées par un Etat membre, il accordera audit Etat membre le bénéfice de tout doute raisonnable.

ARTICLE XV

RETRAIT DES ETATS MEMBRES

Section 1.—Droit de retrait des Etats membres

Tout Etat membre pourra se retirer du Fonds à tout moment en notifiant par écrit sa décision au Fonds, au siège central. Le retrait prendra effet à la date de réception de la notification.

Section 2.—Retrait forcé

a) Si un Etat membre ne remplit pas l'une des obligations que lui impose le présent accord, le Fonds pourra déclarer que cet Etat membre n'est plus admis à faire usage des ressources du Fonds. Aucune des dispositions de la présente section ne devra être interprétée comme restreignant l'application des dispositions de l'article IV, section 6, de l'article V, section 5, ou de l'article VI, section 1.

b) Si, après expiration d'un délai raisonnable, l'Etat membre persiste à ne pas remplir l'une des obligations que lui impose le présent accord, ou si un différend soulevé par l'application des dispositions de l'article IV, section 6, continue à exister entre le Fonds et un Etat membre, cet Etat membre pourra être invité

Board of Governors carried by a majority of the governors representing a majority of the total voting power.

(c) Regulations shall be adopted to ensure that before action is taken against any member under (a) or (b) above, the member shall be informed in reasonable time of the complaint against it and given an adequate opportunity for stating its case, both orally and in writing.

Section 3.—Settlement of accounts with members withdrawing

When a member withdraws from the Fund, normal transactions of the Fund in its currency shall cease and settlement of all accounts between it and the Fund shall be made with reasonable despatch by agreement between it and the Fund. If agreement is not reached promptly, the provisions of Schedule D shall apply to the settlement of accounts.

ARTICLE XVI

EMERGENCY PROVISIONS

Section 1.—Temporary Suspension

(a) In the event of an emergency or the development of unforeseen circumstances threatening the operations of the Fund, the Executive Directors by unanimous vote may suspend for a period of not more than one hundred and twenty days the operation of any of the following provisions:

(i) Article IV, Sections 3 and 4(b).

(ii) Article V, Sections 2, 3, 7, 8(a) and (e).

(iii) Article VI, Section 2.

(iv) Article XI, Section 1.

(b) Simultaneously with any decision to suspend the operation of any of the foregoing provisions, the

à se retirer, par décision du conseil des gouverneurs représentant la majorité des voix attribuées.

(c) Des dispositions réglementaires seront adoptées pour qu'avant d'entreprendre une action contre un Etat membre, en vertu des paragraphes a) et b) ci-dessus, le Fonds informe cet Etat membre, en temps raisonnable, des faits qui lui sont reprochés et lui donne une occasion satisfaisante d'exposer son cas, à la fois oralement et par écrit.

Section 3.—Règlement des comptes avec les Etats membres en cas de retrait

Lorsqu'un Etat membre se retirera du Fonds, les opérations normales du Fonds dans sa monnaie prendront fin et le règlement de tous les comptes existant entre l'Etat membre et le Fonds sera effectué avec toute la diligence raisonnable, par voie d'accord entre cet Etat membre et le Fonds. Si aucun accord n'est conclu rapidement, les dispositions de l'annexe D s'appliqueront au règlement des comptes.

ARTICLE XVI

DISPOSITIONS D'EXCEPTION

Section 1.—Suspension temporaire

a) Si des circonstances exceptionnelles ou imprévues constituent une menace pour le fonctionnement du Fonds, les administrateurs pourront, par une décision prise à l'unanimité, suspendre, pour une période ne dépassant pas cent vingt jours, l'application de l'une quelconque des dispositions suivantes:

i) Article IV, sections 3 et 4 b);

ii) Article V, sections 2, 3, 7, 8 a) et e);

iii) Article VI, section 2;

iv) Article XI, section 1.

b) En même temps qu'ils décideront de suspendre l'application de l'une des dispositions précédentes,

Executive Directors shall call a meeting of the Board of Governors for the earliest practicable date.

(c) The Executive Directors may not extend any suspension beyond one hundred and twenty days. Such suspension may be extended, however, for an additional period of not more than two hundred and forty days, if the Board of Governors by a four-fifths majority of the total voting power so decides, but it may not be further extended except by amendment to this Agreement pursuant to Article XVII.

(d) The Executive Directors may, by a majority of the total voting power, terminate such suspension at any time.

Section 2.—Liquidation of the Fund

(a) The Fund may not be liquidated except by decision of the Board of Governors. In an emergency, if the Executive Directors decide that liquidation of the Fund may be necessary, they may temporarily suspend all transactions, pending decision by the Board.

(b) If the Board of Governors decides to liquidate the Fund, the Fund shall forthwith cease to engage in any activities except those incidental to the orderly collection and liquidation of its assets and the settlement of its liabilities, and all obligations of members under this Agreement shall cease except those set out in this Article, in Article XVIII, paragraph (c), in Schedule D, paragraph 7, and in Schedule E.

(c) Liquidation shall be administered in accordance with the provisions of Schedule E.

les administrateurs convoqueront une réunion du conseil des gouverneurs pour la date la plus rapprochée possible.

c) Les administrateurs ne pourront pas prolonger une mesure de suspension au delà de cent vingt jours. Toutefois, une mesure de cet ordre pourra être prolongée pour une période supplémentaire de deux cent quarante jours au plus si le conseil des gouverneurs en décide ainsi à la majorité des quatre cinquièmes du total des voix attribuées, mais elle ne pourra être prolongée davantage que si une modification est apportée au présent accord conformément aux dispositions de l'article XVII.

d) Les administrateurs pourront, à tout moment, et à la majorité des voix attribuées, mettre fin à une suspension de cette nature.

Section 2.—Liquidation du Fonds

a) La liquidation du Fonds ne pourra avoir lieu qu'à la suite d'une décision du conseil des gouverneurs. Si, dans des circonstances exceptionnelles, les administrateurs concluent qu'il peut y avoir lieu de liquider le Fonds, ils pourront suspendre temporairement toutes les opérations en attendant que le conseil se soit prononcé.

b) Si le conseil des gouverneurs décide de procéder à la liquidation du Fonds, celui-ci cessera immédiatement toutes opérations, à l'exception de celles qui ont trait au recouvrement et à la liquidation ordonnés de son actif ainsi qu'au règlement de son passif. Toutes les obligations imposées aux Etats membres par le présent accord prendront fin, à l'exception de celles qui sont énoncées au présent article, à l'article XVIII, paragraphe c), à l'annexe D, paragraphe 7, et à l'annexe E.

c) La liquidation s'effectuera conformément aux dispositions de l'annexe E.

ARTICLE XVII

AMENDMENTS

(a) Any proposal to introduce modifications in this Agreement, whether emanating from a member, a governor or the Executive Directors, shall be communicated to the chairman of the Board of Governors who shall bring the proposal before the Board. If the proposed amendment is approved by the Board the Fund shall, by circular letter or telegram, ask all members whether they accept the proposed amendment. When three-fifths of the members, having four-fifths of the total voting power, have accepted the proposed amendment, the Fund shall certify the fact by a formal communication addressed to all members.

(b) Notwithstanding (a) above, acceptance by all members is required in the case of any amendment modifying

(i) the right to withdraw from the Fund (Article XV, Section 1);

(ii) the provisions that no change in a member's quota shall be made without its consent (Article III, Section 2);

(iii) the provision that no change may be made in the par value of a member's currency except on the proposal of that member (Article IV, Section 5 (b)).

(c) Amendments shall enter into force for all members three months after the date of the formal communication unless a shorter period is specified in the circular letter or telegram.

ARTICLE XVIII

INTERPRETATION

(a) Any question of interpretation of the provisions of this Agreement arising between any member and the Fund or between any mem-

ARTICLE XVII

AMENDEMENTS

a) Toute proposition tendant à apporter des modifications au présent accord, qu'elle émane d'un Etat membre, d'un gouverneur ou des administrateurs, sera communiquée au président du conseil des gouverneurs qui la soumettra audit conseil. Si l'amendement proposé est approuvé par le conseil, le Fonds demandera à tous les Etats membres par lettre ou télégramme circulaire s'ils acceptent l'amendement proposé. Si les trois cinquièmes des Etats membres, disposant des quatre cinquièmes du total des voix attribuées, acceptent le texte de l'amendement proposé, le Fonds confirmera ce fait par une communication officielle adressée à tous les Etats membres.

b) Nonobstant les dispositions du paragraphe a) ci-dessus, l'acceptation par tous les Etats membres est requise dans le cas de tout amendement portant modification:

i) du droit de se retirer du Fonds (article XV, section 1);

ii) de la disposition suivant laquelle la quote-part d'un Etat membre ne peut être modifiée sans son consentement (article III, section 2);

iii) de la disposition suivant laquelle la valeur au pair de la monnaie d'un Etat membre ne peut être modifiée que sur la proposition de cet Etat (article IV, section 5 b).

c) Les amendements entreront en vigueur pour tous les Etats membres trois mois après la date de la communication officielle, à moins qu'un délai plus court ne soit fixé dans la lettre ou le télégramme circulaire.

ARTICLE XVIII

INTERPRÉTATION

a) Tout problème d'interprétation des dispositions du présent accord qui surgirait entre un Etat membre et le Fonds ou entre des Etats mem-

bers of the Fund shall be submitted to the Executive Directors for their decision. If the question particularly affects any member not entitled to appoint an executive director it shall be entitled to representation in accordance with Article XII, Section 3 (j).

(b) In any case where the Executive Directors have given a decision under (a) above, any member may require that the question be referred to the Board of Governors, whose decision shall be final. Pending the result of the reference to the Board the Fund may, so far as it deems necessary, act on the basis of the decision of the Executive Directors.

(c) Whenever a disagreement arises between the Fund and a member which has withdrawn, or between the Fund and any member during the liquidation of the Fund, such disagreement shall be submitted to arbitration by a tribunal of three arbitrators, one appointed by the Fund, another by the member or withdrawing member and an umpire who, unless the parties otherwise agree, shall be appointed by the President of the Permanent Court of International Justice or such other authority as may have been prescribed by regulation adopted by the Fund. The umpire shall have full power to settle all questions of procedure in any case where the parties are in disagreement with respect thereto.

ARTICLE XIX

EXPLANATION OF TERMS

In interpreting the provisions of this Agreement the Fund and its members shall be guided by the following:

(a) A member's monetary reserves means its net official holdings of gold, of convertible currencies of

bres sera soumis à la décision des administrateurs. Si le problème concerne particulièrement un Etat membre qui n'a pas le droit de nommer un administrateur, cet Etat membre aura le droit de se faire représenter conformément à l'article XII, section 3 j).

b) Lorsque les administrateurs auront rendu une décision dans les conditions prévues au paragraphe a) ci-dessus, tout Etat membre pourra demander que la question soit portée devant le conseil des gouverneurs dont la décision sera sans appel. En attendant que le conseil ait statué, le Fonds pourra, dans la mesure où il l'estimera nécessaire, agir conformément à la décision des administrateurs.

c) Chaque fois qu'un désaccord surgira entre le Fonds et un Etat membre qui s'est retiré ou entre le Fonds et un Etat membre au cours de la liquidation du Fonds, ce désaccord sera soumis à l'arbitrage d'un tribunal de trois membres, comprenant un arbitre nommé par le Fonds, un arbitre désigné par l'Etat membre intéressé ou par l'Etat membre démissionnaire suivant le cas et un sur-arbitre qui, à moins que les parties n'en conviennent autrement, sera nommé par le président de la Cour permanente de Justice internationale ou par telle autre autorité désignée par la réglementation adoptée par le Fonds. Le sur-arbitre aura pleins pouvoirs pour régler toutes les questions de procédure dans tous les cas où les parties seront en désaccord à leur sujet.

ARTICLE XIX

EXPLICATION DES TERMES

Dans l'interprétation des dispositions du présent accord, le Fonds et les Etats membres devront s'inspirer de ce qui suit:

a) Par réserves monétaires d'un Etat membre, il faut entendre ses avoirs officiels nets en or, en mon-

other members, and of the currencies of such non-members as the Fund may specify.

(b) The official holdings of a member means central holdings (that is, the holdings of its Treasury, central bank, stabilization fund, or similar fiscal agency).

(c) The holdings of other official institutions or other banks within its territories may, in any particular case, be deemed by the Fund, after consultation with the member, to be official holdings to the extent that they are substantially in excess of working balances; provided that for the purpose of determining whether, in a particular case, holdings are in excess of working balances, there shall be deducted from such holdings amounts of currency due to official institutions and banks in the territories of members or non-members specified under (d) below.

(d) A member's holdings of convertible currencies means its holdings of the currencies of other members which are not availing themselves of the transitional arrangements under Article XIV, Section 2, together with its holdings of the currencies of such non-members as the Fund may from time to time specify. The term currency for this purpose includes without limitation coins, paper money, bank balances, bank acceptances, and government obligations issued with a maturity not exceeding twelve months.

(e) A member's monetary reserves shall be calculated by deducting from its central holdings the currency

naies convertibles d'autres Etats membres et en monnaies des Etats non membres que le Fonds pourra désigner.

b) Par avoirs officiels d'un Etat membre, il faut entendre ses avoirs centraux, c'est-à-dire les avoirs de sa Trésorerie, de sa banque centrale, de son fonds de stabilisation ou de tout autre organisme financier analogue.

c) Le Fonds pourra, dans tout cas particulier, après consultation avec l'Etat membre intéressé, considérer comme étant des avoirs officiels les avoirs de toutes autres institutions officielles ou de toutes autres banques situées dans les territoires de cet Etat membre, dans la mesure où ces avoirs dépassent d'une manière substantielle le montant nécessaire à titre de fonds de roulement; étant entendu que pour déterminer si, dans un cas particulier, les avoirs dépassent les montants nécessaires à titre de fonds de roulement, on ne comprendra pas dans lesdits avoirs les quantités de monnaies dues à des institutions officielles et à des banques situées dans les territoires d'Etats membres ou d'Etats non membres dont le paragraphe d) ci-dessous prévoit la désignation.

d) Par avoirs d'un Etat membre en monnaies convertibles, il faut entendre les avoirs que possède cet Etat membre en monnaies d'autres Etats membres qui ne se prévalent pas des dispositions transitoires prévues à l'article XIV, section 2, ainsi que ses avoirs constitués en monnaies d'Etats non membres que le Fonds pourra désigner dans l'avenir. Aux fins de la présente disposition, le terme "monnaie" désignera, sans aucune restriction, les espèces métalliques, la monnaie fiduciaire, les avoirs en banque, les acceptations de banque et les engagements d'Etat à échéance maximum de douze mois.

e) Le montant des réserves monétaires d'un Etat membre sera déterminé en retranchant de ses avoirs

liabilities to the Treasuries, central banks, stabilization funds, or similar fiscal agencies of other members or non-members specified under (d) above, together with similar liabilities to other official institutions and other banks in the territories of members, or non-members specified under (d) above. To these net holdings shall be added the sums deemed to be official holdings of other official institutions and other banks under (c) above.

(f) The Fund's holdings of the currency of a member shall include any securities accepted by the Fund under Article III, Section 5.

(g) The Fund, after consultation with a member which is availing itself of the transitional arrangements under Article XIV, Section 2, may deem holdings of the currency of that member which carry specified rights of conversion into another currency or into gold to be holdings of convertible currency for the purpose of the calculation of monetary reserves.

(h) For the purpose of calculating gold subscriptions under Article III, Section 3, a member's net official holdings of gold and United States dollars shall consist of its official holdings of gold and United States currency after deducting central holdings of its currency by other countries and holdings of its currency by other official institutions and other banks if these holdings carry specified rights of conversion into gold or United States currency.

centraux les sommes en monnaie dues aux Trésoreries, aux banques centrales, aux fonds de stabilisation ou aux organismes financiers analogues d'autres Etats membres ou Etats non membres désignés comme il est prévu au paragraphe d) ci-dessus, ainsi que les engagements de même nature envers d'autres institutions officielles et d'autres banques situées dans les territoires des Etats membres ou des Etats non membres désignés comme il est prévu au paragraphe d) ci-dessus. A ces avoirs nets s'ajouteront les sommes qui seront considérées comme étant des avoirs officiels d'autres institutions officielles ou d'autres banques par application des dispositions du paragraphe c) ci-dessus.

f) Les avoirs du Fonds dans la monnaie d'un Etat membre comprendront tous les effets acceptés par le Fonds en vertu de l'article III, section 5.

g) Le Fonds pourra, après consultation avec un Etat membre qui se prévaut des dispositions transitoires prévues à l'article XIV, section 2, et aux fins de détermination du montant des réserves monétaires, considérer comme avoirs en monnaie convertible, ceux des avoirs dans la monnaie dudit Etat membre auxquels sont attachés des droits déterminés de conversion en une autre monnaie ou en or.

h) Aux fins de détermination du montant des souscriptions en or prévues à l'article III, section 3, les avoirs officiels nets d'un Etat membre en or et en dollars des Etats-Unis consisteront en ses avoirs officiels en or et en monnaie des Etats-Unis, déduction faite des avoirs centraux dans sa propre monnaie que détiennent d'autres pays et des avoirs dans sa propre monnaie que détiennent d'autres institutions officielles et d'autres banques lorsqu'à ces avoirs sont attachés des droits déterminés de conversion en or ou en monnaie des Etats-Unis.

(i) Payments for current transactions means payments which are not for the purpose of transferring capital, and includes, without limitation:

(1) All payments due in connection with foreign trade, other current business, including services, and normal short-term banking and credit facilities;

(2) Payments due as interest on loans and as net income from other investments;

(3) Payments of moderate amount for amortization of loans or for depreciation of direct investments;

(4) Moderate remittances for family living expenses.

The Fund may, after consultation with the members concerned, determine whether certain specific transactions are to be considered current transactions or capital transactions.

ARTICLE XX

FINAL PROVISIONS

Section 1.—Entry into force

This Agreement shall enter into force when it has been signed on behalf of governments having sixty-five per cent. of the total of the quotas set forth in Schedule A and when the instruments referred to in Section 2 (a) of this Article have been deposited on their behalf, but in no event shall this Agreement enter into force before May 1, 1945.

Section 2.—Signature

(a) Each government on whose behalf this Agreement is signed shall deposit with the Government of the United States of America an instrument setting forth that it has accepted this Agreement in accordance with its law and has taken all steps necessary to enable it to carry out

i) Par paiements relatifs aux opérations courantes, il faut entendre les paiements qui n'ont pas pour objet de transférer des capitaux, lesquels comprennent, notamment:

1) Tous les paiements concernant le commerce extérieur et autres formes courantes d'affaires, y compris les services, ainsi que les opérations normales à court terme de banque et de crédit;

2) Les paiements à titre d'intérêts des prêts et à titre de revenus nets provenant d'autres placements;

3) Les paiements d'un montant modéré destinés à amortir des emprunts ou à couvrir la dépréciation de placements directs;

4) Les remises d'importance raisonnable destinées à couvrir les dépenses familiales d'entretien.

Le Fonds pourra, après consultation des Etats membres intéressés, déterminer si telle ou telle opération particulière doit être considérée comme une opération courante ou une opération portant sur le capital.

ARTICLE XX

DISPOSITIONS FINALES

Section 1.—Entrée en vigueur

Le présent accord entrera en vigueur lorsqu'il aura été signé au nom de gouvernements possédant 65 pour 100 du total des quotes-parts énumérées à l'annexe A et que les instruments dont il est fait mention à la section 2 a) du présent article auront été déposées en leur nom; toutefois, en aucun cas, le présent accord n'entrera en vigueur avant le 1^{er} mai 1945.

Section 2.—Signature

a) Chaque gouvernement au nom duquel le présent accord sera signé déposera auprès du Gouvernement des Etats-Unis d'Amérique un instrument établissant qu'il a accepté le présent accord en conformité de ses lois et qu'il a pris toutes les mesures nécessaires pour être en

all of its obligations under this Agreement.

(b) Each government shall become a member of the Fund as from the date of the deposit on its behalf of the instrument referred to in (a) above, except that no government shall become a member before this Agreement enters into force under Section I of this Article.

(c) The Government of the United States of America shall inform the governments of all countries whose names are set forth in Schedule A, and all governments whose membership is approved in accordance with Article II, Section 2, of all signatures of this Agreement and of the deposit of all instruments referred to in (a) above.

(d) At the time this Agreement is signed on its behalf, each government shall transmit to the Government of the United States of America one one-hundredth of one per cent. of its total subscription in gold or United States dollars for the purpose of meeting administrative expenses of the Fund. The Government of the United States of America shall hold such funds in a special deposit account and shall transmit them to the Board of Governors of the Fund when the initial meeting has been called under Section 3 of this Article. If this Agreement has not come into force by December 31, 1945, the Government of the United States of America shall return such funds to the governments that transmitted them.

(e) This Agreement shall remain open for signature at Washington on behalf of the governments of the countries whose names are set forth in Schedule A until December 31, 1945.

(f) After December 31, 1945, this Agreement shall be open for signature on behalf of the government of any country whose membership has

état d'exécuter toutes les obligations découlant du présent accord.

b) Chaque gouvernement deviendra membre du Fonds à compter de la date où sera déposé en son nom l'instrument visé au paragraphe a) ci-dessus, sous réserve qu'aucun gouvernement ne pourra devenir membre avant que le présent accord n'entre en vigueur en vertu de la section I du présent article.

c) Le Gouvernement des Etats-Unis d'Amérique informera les gouvernements de tous les Etats dont le nom figure à l'annexe A et tous les gouvernements dont l'adhésion sera agréée conformément aux dispositions de l'article II, section 2, de toutes les signatures recueillies par le présent accord et du dépôt de tous les instruments visés au paragraphe a) ci-dessus.

d) Au moment où le présent accord sera signé en son nom, chaque gouvernement fera parvenir au Gouvernement des Etats-Unis d'Amérique 0,01 pour 100 de sa souscription totale en or ou en dollars des Etats-Unis, à titre de contribution aux frais d'administration du Fonds. Le Gouvernement des Etats-Unis d'Amérique conservera ces fonds dans un compte spécial de dépôt et les transmettra au conseil des gouverneurs du Fonds lorsque la première réunion aura été convoquée aux termes de la section 3 du présent article. Si le présent accord n'est pas encore entré en vigueur au 31 décembre 1945, le Gouvernement des Etats-Unis d'Amérique fera retour desdits fonds aux gouvernements qui les auront fait parvenir.

e) Le présent accord demeurera jusqu'au 31 décembre 1945 ouvert à la signature, à Washington, des représentants des gouvernements des pays dont les noms figurent à l'annexe A.

f) Après le 31 décembre 1945, le présent accord sera ouvert à la signature des représentants des gouvernements de tous les pays dont l'ad-

been approved in accordance with Article II, Section 2.

(g) By their signature of this Agreement, all governments accept it both on their own behalf and in respect of all their colonies, overseas territories, all territories under protection, suzerainty, or authority and all territories in respect of which they exercise a mandate.

(h) In the case of governments whose metropolitan territories have been under enemy occupation, the deposit of the instrument referred to in (a) above may be delayed until one hundred and eighty days after the date on which these territories have been liberated. If, however, it is not deposited by any such government before the expiration of this period the signature affixed on behalf of that government shall become void and the portion of its subscription paid under (d) above shall be returned to it.

(i) Paragraph 5 (d) and (h) shall come into force with regard to each signatory government as from the date of its signature.

Section 3.—Inauguration of the Fund

(a) As soon as this Agreement enters into force under Section 1 of this Article, each member shall appoint a governor and the member having the largest quota shall call the first meeting of the Board of Governors.

(b) At the first meeting of the Board of Governors, arrangements shall be made for the selection of provisional executive directors. The governments of the five countries for which the largest quotas are set forth in Schedule A shall appoint provisional executive directors. If one or more of such governments have not become members, the executive directorships they would be entitled to fill shall remain vacant

hésion aura été agréée conformément aux dispositions de l'article II, section 2.

g) En apposant leur signature au présent accord, tous les gouvernements l'acceptent, tant en leur nom propre qu'en ce qui concerne toutes leurs colonies et territoires d'outre-mer, tous les territoires placés sous leur protection, souveraineté ou autorité, et tous les territoires sur lesquels ils exercent un mandat.

h) Dans le cas de gouvernements dont les territoires métropolitains ont été occupés par l'ennemi, le dépôt de l'instrument visé au paragraphe a) ci-dessus pourra être différé jusqu'au cent-quatre-vingtième jour qui suivra la date de la libération de ces territoires. Toutefois, si l'un de ces gouvernements n'effectue pas le dépôt avant l'expiration de ladite période, la signature apposée au nom de ce gouvernement sera considérée comme annulée et la fraction de sa souscription versée aux termes du paragraphe d) ci-dessus lui sera restituée.

i) Les paragraphes d) et h) entreront en vigueur à l'égard de chaque gouvernement signataire, à compter de la date de sa signature.

Section 3.—Inauguration du Fonds

a) Dès que le présent accord entrera en vigueur aux termes de la section 1 du présent article, chaque Etat membre nommera un gouverneur et l'Etat membre ayant la quote-part la plus élevée convoquera la première réunion du conseil des gouverneurs.

b) A la première réunion du conseil des gouverneurs, des dispositions seront prises en vue du choix d'administrateurs à titre provisoire. Les gouvernements des cinq pays pour lesquels l'annexe A prévoit les quotes-parts les plus élevées nommeront des administrateurs provisoires. Au cas où un ou plusieurs de ces gouvernements ne seraient pas encore devenus membres, les

until they become members, or until January 1, 1946, whichever is the earlier. Seven provisional executive directors shall be elected in accordance with the provisions of Schedule C and shall remain in office until the date of the first regular election of executive directors which shall be held as soon as practicable after January 1, 1946.

(c) The Board of Governors may delegate to the provisional executive directors any powers except those which may not be delegated to the Executive Directors.

Section 4.—Initial determination of par values

(a) When the Fund is of the opinion that it will shortly be in a position to begin exchange transactions, it shall so notify the members and shall request each member to communicate within thirty days the par value of its currency based on the rates of exchange prevailing on the sixtieth day before the entry into force of this Agreement. No member whose metropolitan territory has been occupied by the enemy shall be required to make such a communication while that territory is a theatre of major hostilities or for such period thereafter as the Fund may determine. When such a member communicates the par value of its currency the provisions of (d) below shall apply.

(b) The par value communicated by a member whose metropolitan territory has not been occupied by the enemy shall be the par value of that member's currency for the purposes of this Agreement unless, within ninety days after the request referred to in (a) above have been received, (1) the member notifies the

postes d'administrateurs qu'il leur appartiendrait de pourvoir resteront vacants jusqu'à la date où ils deviendront membres ou jusqu'au 1^{er} janvier 1946, si cette dernière date est antérieure à la précédente. Sept administrateurs à titre provisoire seront élus conformément aux dispositions de l'annexe C et demeureront en fonctions jusqu'à la date de la première élection régulière d'administrateurs, laquelle aura lieu aussitôt qu'il sera possible après le 1^{er} janvier 1946.

c) Le conseil des gouverneurs pourra déléguer aux administrateurs à titre provisoire tous les pouvoirs, à l'exception de ceux qui ne peuvent être délégués aux administrateurs.

Section 4.—Fixation initiale des valeurs au pair

a) Lorsque le Fonds estimera qu'il sera bientôt en mesure de commencer ses opérations de change, il en avisera les Etats membres et il invitera chacun d'eux à faire connaître, dans les trente jours, la valeur au pair de sa monnaie, sur la base des taux de change cotés le soixantième jour précédant l'entrée en vigueur du présent accord. Aucun Etat membre dont le territoire métropolitain aura été occupé par l'ennemi ne sera requis de faire une telle communication tant que son territoire sera un théâtre d'opérations militaires importantes, ni pendant telle période subséquente que le fonds pourra fixer. Quand ledit Etat membre fera connaître la valeur au pair de sa monnaie, il sera fait application des dispositions du paragraphe d) ci-dessous.

b) La valeur au pair communiquée par un Etat membre dont le territoire métropolitain n'a pas été occupé par l'ennemi sera considérée, pour l'application du présent accord, comme étant la valeur au pair de la monnaie dudit Etat membre, à moins que, dans les quatre-vingt-dix jours qui suivront la réception de la de-

Fund that it regards the par value as unsatisfactory, or (II) the Fund notifies the member that in its opinion the par value cannot be maintained without causing recourse to the Fund on the part of that member or others on a scale prejudicial to the Fund and to members. When notification is given under (I) or (II) above, the Fund and the member shall, within a period determined by the Fund in the light of all relevant circumstances, agree upon a suitable par value for that currency. If the Fund and the member do not agree within the period so determined, the member shall be deemed to have withdrawn from the Fund on the date when the period expires.

(c) When the par value of a member's currency has been established under (b) above, either by the expiration of ninety days without notification, or by agreement after notification, the member shall be eligible to buy from the Fund the currencies of other members to the full extent permitted in this Agreement, provided that the Fund has begun exchange transactions.

(d) In the case of a member whose metropolitan territory has been occupied by the enemy, the provisions of (b) above shall apply, subject to the following modifications:

(I) The period of ninety days shall be extended so as to end on a date to be fixed by agreement between the Fund and the member.

(II) Within the extended period the member may, if the Fund has begun exchange transactions, buy from the Fund with its currency the currencies of other members, but

mande visée au paragraphe a) ci-dessus, 1) l'Etat membre ne notifie au Fonds qu'il considère cette valeur au pair comme non satisfaisante, ou 2) que le Fonds ne notifie à l'Etat membre qu'à son avis cette valeur au pair ne peut être maintenue sans comporter, de la part dudit Etat membre ou d'autres Etats membres, un recours au Fonds dans des proportions préjudiciables au Fonds et aux Etats membres. Lorsqu'aura eu lieu la notification prévue aux dispositions 1) ou 2) ci-dessus, le Fonds et l'Etat membre se mettront d'accord, dans un délai que le Fonds aura fixé en tenant compte de toutes les circonstances pertinentes, sur une valeur au pair appropriée pour ladite monnaie. Si le Fonds et l'Etat membre ne parviennent pas à un accord dans le délai ainsi fixé, l'Etat membre sera considéré comme s'étant retiré du Fonds à la date d'expiration du délai.

c) Lorsque la valeur au pair de la monnaie d'un Etat membre aura été fixée ainsi qu'il est prévu au paragraphe b) ci-dessus, soit par expiration d'un délai de quatre-vingt-dix jours sans notification, soit par accord après notification, l'Etat membre sera admis à acheter au Fonds les monnaies des autres Etats membres dans toute la mesure permise par le présent accord, à condition toutefois que le Fonds ait commencé ses opérations de change.

d) Dans le cas d'un Etat membre dont le territoire métropolitain a été occupé par l'ennemi, il sera fait application des dispositions du paragraphe b) ci-dessus, sous réserve des modifications suivantes:

1) Le délai de quatre-vingt-dix jours sera prolongé jusqu'à une date qui sera fixée par voie d'accord entre le Fonds et l'Etat membre.

2) Au cours du délai ainsi prolongé, l'Etat membre pourra, si le Fonds a commencé ses opérations de change, acheter au Fonds contre sa propre monnaie les monnaies des

only under such conditions and in such amounts as may be prescribed by the Fund.

(III) At any time before the date fixed under (I) above, changes may be made by agreement with the Fund in the par value communicated under (a) above.

(e) If a member whose metropolitan territory has been occupied by the enemy adopts a new monetary unit before the date to be fixed under (d) (I) above, the par value fixed by that member for the new unit shall be communicated to the Fund and the provisions of (d) above shall apply.

(f) Changes in par values agreed with the Fund under this Section shall not be taken into account in determining whether a proposed change falls within (I), (II) or (III) of Article IV, Section 5 (c).

(g) A member communicating to the Fund a par value for the currency of its metropolitan territory shall simultaneously communicate a value, in terms of that currency, for each separate currency, where such exists, in the territories in respect of which it has accepted this Agreement under Section 2 (g) of this Article, but no member shall be required to make a communication for the separate currency of a territory which has been occupied by the enemy while that territory is a theatre of major hostilities or for such period thereafter as the Fund may determine. On the basis for the par value so communicated, the Fund shall compute the par value of each separate currency. A communication or notification to the Fund under (a), (b) or (d) above regarding the par value of a currency, shall also be deemed, unless the contrary is stated, to be a communication or notification regarding the par value of all the separate cur-

autres Etats membres, mais seulement dans les conditions et pour les montants prescrits par le Fonds.

III) A tout moment, antérieurement à la date fixée à l'alinéa I) ci-dessus, la valeur au pair communiquée ainsi qu'il est prévu au paragraphe a) ci-dessus pourra être modifiée par voie d'accord avec le Fonds.

e) Si un Etat membre dont le territoire métropolitain a été occupé par l'ennemi adopte une nouvelle unité monétaire avant la date à fixer aux termes du paragraphe d) I) ci-dessus, la valeur au pair fixée par ledit Etat membre pour la nouvelle unité sera communiquée au Fonds et il sera fait application des dispositions du paragraphe d) ci-dessus.

f) Les modifications de la valeur au pair convenues avec le Fonds aux termes de la présente section n'entreront pas en ligne de compte pour déterminer si une modification proposée relève des alinéas I), II) ou III) de l'article IV, section 5 c).

g) Tout Etat membre communiquant au Fonds la valeur au pair de la monnaie de son territoire métropolitain fera connaître en même temps la valeur, rapportée à ladite monnaie, de chacune des monnaies distinctes, s'il en existe, qui ont cours dans les territoires relativement auxquels ledit Etat membre a accepté le présent accord aux termes de la section 2 g) du présent article. Toutefois, aucun Etat membre ne sera tenu de faire cette communication pour la monnaie distincte d'un territoire qui a été occupé par l'ennemi, tant que ce territoire restera un théâtre d'opérations militaires importantes, ni pendant telle période subséquente que le Fonds pourra fixer. Sur la base de la valeur au pair ainsi communiquée, le Fonds calculera la valeur au pair de chaque monnaie distincte. Toute communication ou notification concernant la valeur au pair d'une monnaie, faite au Fonds aux termes des para-

rencies referred to above. Any member may, however, make a communication or notification relating to the metropolitan or any of the separate currencies alone. If the member does so, the provisions of the preceding paragraphs (including *d*) above, if a territory where a separate currency exists has been occupied by the enemy) shall apply to each of these currencies separately.

(*h*) The Fund shall begin exchange transactions at such date as it may determine after members having sixty-five per cent. of the total of the quotas set forth in Schedule A have become eligible, in accordance with the preceding paragraphs of this Section, to purchase the currencies of other members, but in no event until after major hostilities in Europe have ceased.

(*i*) The Fund may postpone exchange transactions with any member if its circumstances are such that, in the opinion of the Fund, they would lead to use of the resources of the Fund in a manner contrary to the purposes of this Agreement or prejudicial to the Fund or the members.

(*j*) The par values of the currencies of governments which indicate their desire to become members after December 31, 1945, shall be determined in accordance with the provisions of Article II, Section 2.

DONE at Washington, in a single copy which shall remain deposited in the archives of the Government of the United States of America which shall transmit certified copies

graphes *a*), *b*) ou *d*) ci-dessus sera considérée, sauf déclaration contraire, comme constituant également une communication ou une notification relative à la valeur au pair de toutes les monnaies distinctes visées ci-dessus. Tout Etat membre pourra, cependant, faire une communication ou une notification se rapportant exclusivement à sa monnaie métropolitaine ou à l'une quelconque des monnaies distinctes. Si l'Etat membre en use ainsi, il sera fait application des dispositions des paragraphes précédents (y compris le paragraphe *d*) ci-dessus, si un territoire à monnaie distincte a été occupé par l'ennemi) à chacune de ces monnaies séparément.

h) Le Fonds commencera ses opérations de change à une date qu'il fixera, après que les Etats membres réunissant 65 pour 100 du total des quotes-parts énumérées à l'annexe A seront devenus recevables, conformément aux dispositions des paragraphes précédents de la présente section, à acheter les monnaies des autres Etats membres, mais en aucun cas avant que toute opération militaire importante n'ait cessé en Europe.

i) Le Fonds pourra différer toutes opérations de change avec un Etat membre quelconque si, à son avis, la situation dudit Etat membre est de nature à conduire à un usage des ressources du Fonds qui serait contraire aux buts du présent accord ou préjudiciable au Fonds ou aux Etats membres.

j) La valeur au pair des monnaies des Etats dont les Gouvernements feront connaître leur désir de devenir membres du Fonds après le 31 décembre 1945, sera fixée conformément aux dispositions de l'article II, section 2.

FAIT à Washington, en un seul exemplaire qui restera déposé aux archives du Gouvernement des Etats-Unis d'Amérique, lequel en transmettra des copies certifiées con-

to all governments whose names are set forth in Schedule A and to all governments whose membership is approved in accordance with Article II, Section 2.

formes à tous les gouvernements dont les noms figurent à l'annexe A et à tous les gouvernements dont l'adhésion est agréée conformément aux dispositions de l'article II, section 2.

[Signed:] For **Belgium**: L. A. GOFFIN, December 27, 1945; for **Bolivia**: V. ANDRADE, December 27, 1945; for **Brazil**: FERNANDO LOBO, 27 Dec. 1945; for **Canada**: LESTER B. PEARSON, Dec. 27/45; for **Chile**: MARCIAL MORA M., Dec. 31, 1945; for **China**: WEI TAO-MING, 27th day, 12th month, 34th year of the Republic; for **Colombia**: C. S. DE SANTAMARÍA, December 27th, 1945; for **Costa Rica**: F. GUTIÉRREZ, December 27—1945; for **Cuba**: G.M.O. BELT, December 31, 1945; for **Czechoslovakia**: V. S. HURBAN, Dec. 27—1945; for the **Dominican Republic**: EMILIO G. GODOY, December 28—45; for **Ecuador**: GALO PLAZA, December 27—45; for **Egypt**: ANIS AZER, December 27, 1945; for **Ethiopia**: G. TESEMMA, Dec. 27, 1945; for **France**: H. BONNET, 27 décembre 1945; for **Greece**: C. P. DIAMANTOPOULOS, December 27, 1945; for **Guatemala**: JORGE GARCÍA GRANADOS, 27 de diciembre de 1945; for **Honduras**: JULIAN R. CARCERES, December 27, 1945; for **Iceland**: THOR THORS, December 27, 1945; for **India**: G. S. BAJPAI, 27.12.'45; for **Iran**: HUSSEIN ALA, December 28th, 1945; for **Iraq**: ALI JAWDAT, Dec. 27—1945; for **Luxembourg**: HUGUES LE GALLAIS, December 27th, 1945; for **Mexico**: A. ESPINOSA

SCHEDULE A¹

QUOTAS

<i>(In millions of United States dollars)</i>		<i>(In millions of United States dollars)</i>	
Australia	200	India	400
Belgium	225	Iran	25
Bolivia	10	Iraq	8
Brazil	150	Liberia5
Canada	300	Luxembourg	10
Chile	50	Mexico	90
China	550	Netherlands	275
Colombia	50	New Zealand	50
Costa Rica	5	Nicaragua	2
Cuba	50	Norway	50
Czechoslovakia	125	Panama5
Denmark *	*	Paraguay	2
Dominican Republic	5	Peru	25
Ecuador	5	Philippine Commonwealth	15
Egypt	45	Poland	125
El Salvador	2.5	Union of South Africa	100
Ethiopia	6	Union of Soviet Socialist Republics	1,200
France	450	United Kingdom	1,300
Greece	40	United States	2,750
Guatemala	5	Uruguay	15
Haiti	5	Venezuela	15
Honduras	2.5	Yugoslavia	60
Iceland	1		

* The quota of Denmark shall be determined by the Fund after the Danish Government has declared its readiness to sign this Agreement but before signature takes place.

¹ The French text of the table is not reproduced.—ED.

DE LOS MONTEROS, Dec. 31st, 1945; for the **Netherlands**: A. LOUDON, Dec. 27th, 1945; for **Norway**: W. MUNTHE MORGENSTIERNE, December 27, 1945; for **Paraguay**: CELSO R. VELÁZQUEZ, December 27, 1945; for **Peru**: H. FERNÁNDEZ DÁVILA, Dec. 31, 1945; for the **Philippine Commonwealth**: CARLOS P. ROMULO, December 27, 1945; for **Poland**: OSKAR LANGE, December 27, 1945; for the **Union of South Africa**: H. T. ANDREWS, December 27, 1945; for the **United Kingdom of Great Britain and Northern Ireland**: HALIFAX, Dec. 27, 1945; for the **United States of America**: FRED M. VINSON, Dec. 27, 1945; for **Uruguay**: CÉSAR MONTERO B., Dec. 27, 1945; for **Yugoslavia**: STANOJE SIMIC, 27 XII. 1945.

SCHEDULE B

PROVISIONS WITH RESPECT TO REPURCHASE BY A MEMBER OF ITS CURRENCY HELD BY THE FUND

1. In determining the extent to which repurchase of a member's currency from the Fund under Article V, Section 7 (b) shall be made with each type of monetary reserve, that is, with gold and with each convertible currency, the following rule, subject to 2 below, shall apply:

(a) If the member's monetary reserves have not increased during the year, the amount payable to the Fund shall be distributed among all types of reserves in proportion to the member's holdings thereof at the end of the year.

(b) If the member's monetary reserves have increased during the year, a part of the amount payable to the Fund equal to one-half of the increase shall be distributed among those types of reserves which have increased in proportion to the amount by which each of them has increased. The remainder of the sum payable to the Fund shall be distributed among all types of reserves in proportion to the member's remaining holdings thereof.

(c) If after all the repurchases required under Article V, Section 7 (b), had been made, the result would exceed any of the limits specified in Article V, Section 7 (c), the Fund shall require such repurchases to be made by the members proportionately in such manner that the limits will not be exceeded.

2. The Fund shall not acquire the currency of any non-member under Article V, Section 7 (b) and (c).

ANNEXE B

DISPOSITIONS RELATIVES AU RACHAT PAR LES ETATS MEMBRES D'AVOIRS DÉTENUS PAR LE FONDS DANS LEUR MONNAIE

1. Pour déterminer dans quelle proportion le rachat au Fonds de la monnaie d'un Etat membre aux termes de l'article V, section 7 b), s'effectuera au moyen de chaque catégorie de réserve monétaire, c'est-à-dire en or et dans chacune des monnaies convertibles, il sera fait application de la règle suivante, sous réserve des dispositions du paragraphe 2 ci-dessous:

a) Si les réserves monétaires de l'Etat membre n'ont pas augmenté au cours de l'année, le montant à verser au Fonds sera réparti entre toutes les catégories de réserves, au prorata des avoirs de l'Etat membre dans chacune d'elles à la fin de l'année.

b) Si les réserves monétaires de l'Etat membre ont augmenté au cours de l'année, une partie du montant à verser au Fonds égale à la moitié de l'augmentation sera répartie entre les catégories de réserves qui se sont accrues, au prorata du montant de l'augmentation de chacune d'elles. Le reste de la somme à verser au Fonds sera réparti entre toutes les catégories de réserves, au prorata des avoirs restant à l'Etat membre dans chacune d'elles.

c) Si l'exécution de tous les rachats requis aux termes de l'article V, section 7 b), devait entraîner le dépassement de l'une des limites spécifiées à l'article V, section 7 c), le Fonds invitera les Etats membres à effectuer les rachats proportionnellement d'une manière telle que les limites ne soient pas dépassées.

2. Le Fonds ne pourra, au titre de l'article V, section 7 b) et c), acquérir la monnaie d'un Etat non membre.

3. In calculating monetary reserves and the increase in monetary reserves during any year for the purpose of Article V, Section 7 (b) and (c), no account shall be taken, unless deductions have otherwise been made by the member for such holdings, of any increase in those monetary reserves which is due to currency previously inconvertible having become convertible during the year; or to holdings which are the proceeds of a long-term or medium-term loan contracted during the year; or to holdings which have been transferred or set aside for repayment of a loan during the subsequent year.

4. In the case of members whose metropolitan territories have been occupied by the enemy, gold newly produced during the five years after the entry into force of this Agreement from mines located within their metropolitan territories shall not be included in computations of their monetary reserves or of increases in their monetary reserves.

3. Dans le calcul des réserves monétaires et de l'augmentation des réserves monétaires au cours d'une année quelconque aux fins de l'application de l'article V, section 7 b) et c), il ne sera pas tenu compte, à moins que l'Etat membre ait fait des déductions d'une autre manière pour des avoirs de cette espèce, de toute augmentation de ces réserves monétaires qui serait due soit à une monnaie qui a passé de l'inconvertibilité à la convertibilité au cours de l'année, soit à des avoirs provenant d'un emprunt à long terme ou à moyen terme contracté au cours de l'année, soit à des avoirs transférés ou mis en réserve en vue du remboursement d'un emprunt au cours de l'année suivante.

4. Dans le cas d'Etats membres dont les territoires métropolitains ont été occupés par l'ennemi, l'or nouvellement extrait de mines situées dans les territoires métropolitains de ces Etats membres au cours des cinq années qui suivront l'entrée en vigueur du présent accord, ne sera pas compris dans les calculs du montant ou de l'augmentation de leurs réserves monétaires.

SCHEDULE C

ELECTION OF EXECUTIVE DIRECTORS

1. The election of the elective executive directors shall be by ballot of the governors eligible to vote under Article XII, Section 3 (b) (iii) and (iv).

2. In balloting for the five directors to be elected under Article XII, Section 3 (b) (iii), each of the governors eligible to vote shall cast for one person all of the votes to which he is entitled under Article XII, Section 5 (a). The five persons receiving the greatest number of votes shall be directors, provided that no person who received less than nineteen per cent. of the total number of votes that can be cast (eligible votes) shall be considered elected.

3. When five persons are not elected in the first ballot, a second ballot shall be held in which the person who received the lowest number of votes shall be ineligible for election and in which there shall vote only (a) those governors who voted in the first ballot for a person not elected, and (b) those governors whose votes for a person elected are deemed under 4 below

ANNEXE C

ELECTION DES ADMINISTRATEURS

1. Les administrateurs électifs seront élus par les gouverneurs admis à voter en vertu de l'article XII, section 3 b) (iii) et (iv).

2. En prenant part à l'élection des cinq administrateurs qui doivent être élus en vertu de l'article XII, section 3 b) (iii), chacun des gouverneurs admis à voter fera bénéficier une seule personne de toutes les voix dont il dispose en vertu de l'article XII, section 5 a). Les cinq personnes qui recueilleront le plus grand nombre de voix seront administrateurs, étant entendu que nul ne sera considéré comme élu s'il a obtenu moins de 19 pour 100 du total des voix qui peuvent être exprimées au scrutin (voix admissibles).

3. Si le nombre des personnes élues au premier tour de scrutin est inférieur à cinq, il sera procédé à un deuxième tour de scrutin lors duquel la personne ayant recueilli le plus petit nombre de voix au précédent tour de scrutin sera inéligible. Pourront seuls voter lors de ce scrutin: a) les gouverneurs ayant voté au premier tour de scrutin pour une personne qui

to have raised the votes cast for that person above twenty per cent. of the eligible votes.

4. In determining whether the votes cast by a governor are to be deemed to have raised the total of any person above twenty per cent. of the eligible votes the twenty per cent. shall be deemed to include, first, the votes of the governor casting the largest number of votes for such person, then the votes of the governor casting the next largest number, and so on until twenty per cent. is reached.

5. Any governor part of whose votes must be counted in order to raise the total of any person above nineteen per cent. shall be considered as casting all of his votes for such person even if the total votes for such person thereby exceed twenty per cent.

6. If, after the second ballot, five persons have not been elected, further ballots shall be held on the same principles until five persons have been elected, provided that after four persons are elected, the fifth may be elected by a simple majority of the remaining votes and shall be deemed to have been elected by all such votes.

7. The directors to be elected by the American Republics under Article XII, Section 3 (b) (iv) shall be elected as follows:

(a) Each of the directors shall be elected separately.

(b) In the election of the first director, each governor representing an American Republic eligible to participate in the election shall cast for one person all the votes to which he is entitled. The person receiving the largest number of votes shall be elected provided that he has received not less than forty-five per cent. of the total votes.

(c) If no person is elected on the first ballot, further ballots shall be held, in

n'a pas été élue, et b) les gouverneurs qui, ayant voté pour une personne qui a été élue, doivent être considérés, aux termes du paragraphe 4 ci-dessous, comme ayant porté le nombre de voix recueillies par cette personne à plus de 20 pour 100 des voix admissibles.

4. Afin de déterminer s'il y a lieu de considérer les voix données par un gouverneur comme ayant porté le total des voix recueillies par une personne à plus de 20 pour 100 du total des voix admissibles, il conviendra de faire figurer dans lesdits 20 pour 100, en premier lieu les voix du gouverneur ayant donné le plus grand nombre de voix à ladite personne, en deuxième lieu les voix du gouverneur ayant, immédiatement après le gouverneur précédemment visé, donné à ladite personne le plus grand nombre de voix, et ainsi de suite jusqu'à ce que la proportion de 20 pour 100 soit atteinte.

5. Tout gouverneur dont un certain nombre de voix doivent entrer en ligne de compte pour que le total des voix recueillies par une personne quelconque soit porté à plus de 19 pour 100, sera réputé donner toutes ses voix à ladite personne, alors même que le total des voix recueillies par cette personne se trouverait de ce fait porté à plus de 20 pour 100.

6. Si, après le deuxième tour de scrutin, le nombre des personnes élues est inférieur à cinq, il sera procédé, sur la base des règles ci-dessus énoncées, à de nouveaux tours de scrutin jusqu'à ce que cinq personnes aient été élues. Toutefois, lorsque quatre personnes auront été élues, la cinquième pourra l'être à la majorité simple des voix qui restent et sera considérée comme ayant été élue par la totalité de ces voix.

7. Les administrateurs qui doivent être élus par les Républiques américaines en vertu de l'article XII, section 3 b) iv), seront élus de la manière suivante:

a) Chacun des administrateurs sera élu séparément.

b) Lors de l'élection du premier administrateur, chaque gouverneur représentant une République américaine admise à participer à l'élection donnera à une seule personne toutes les voix auxquelles il a droit. La personne qui recueillera le plus grand nombre de voix sera élue, à condition qu'elle ait recueilli 45 pour 100 au moins du total des voix.

c) Si personne n'est élu au premier tour de scrutin, il sera procédé à de nouveaux

each of which the person receiving the lowest number of votes shall be eliminated, until one person receives a number of votes sufficient for election under (b) above.

(d) Governors whose votes contributed to the election of the first director shall take no part in the election of the second director.

(e) Persons who did not succeed in the first election shall not be ineligible for election as the second director.

(f) A majority of the votes which can be cast shall be required for election of the second director. If at the first ballot no person receives a majority, further ballots shall be held in each of which the person receiving the lowest number of votes shall be eliminated, until some person obtains a majority.

(g) The second director shall be deemed to have been elected by all the votes which could have been cast in the ballot securing his election.

tours de scrutin, lors de chacun desquels la personne qui recueillera le moins de voix sera éliminée jusqu'à ce qu'une personne recueille un nombre de voix suffisant pour être élu suivant les dispositions du paragraphe b) ci-dessus.

d) Les gouverneurs dont les voix ont contribué à l'élection du premier administrateur ne participeront pas à l'élection du second administrateur.

e) Les candidats qui n'ont pas été élus lors de la première élection ne seront pas inéligibles au second poste d'administrateur.

f) La majorité des voix pouvant être exprimées sera nécessaire pour l'élection du second administrateur. Si au premier tour de scrutin personne n'obtient la majorité, il sera procédé à de nouveaux tours de scrutin lors de chacun desquels la personne qui recueillera le moins de voix sera éliminée jusqu'à ce qu'une personne obtienne la majorité.

g) Le second administrateur sera considéré comme ayant été élu par toutes les voix qui auraient pu être exprimées lors du tour de scrutin au cours duquel il a été élu.

SCHEDULE D

SETTLEMENT OF ACCOUNTS WITH MEMBERS WITHDRAWING

1. The Fund shall be obligated to pay to a member withdrawing an amount equal to its quota, plus any other amounts due to it from the Fund, less any amounts in its currency due to the Fund, including charges accruing after the date of its withdrawal; but no payment shall be made until six months after the date of withdrawal. Payments shall be made in the currency of the withdrawing member.

2. If the Fund's holdings of the currency of the withdrawing member are not sufficient to pay the net amount due from the Fund, the balance shall be paid in gold, or in such other manner as may be agreed. If the Fund and the withdrawing member do not reach agreement within six months of the date of withdrawal, the currency in question held by the Fund shall be paid forthwith to the withdrawing member. Any balance due shall be paid in ten half-yearly instalments

ANNEXE D

RÈGLEMENT DES COMPTES AVEC LES ETATS MEMBRES QUI SE RETIRENT

1. Le Fonds sera tenu de verser à tout Etat membre qui se retire une somme égale à sa quote-part augmentée de toutes autres sommes qui lui sont dues par le Fonds et diminuée de toutes sommes dues au Fonds par ledit Etat membre, y compris les commissions venant à échéance après la date du retrait; mais aucun paiement ne sera effectué avant l'expiration d'un délai de six mois à compter de la date du retrait. Les paiements auront lieu dans la monnaie de l'Etat membre qui se retire.

2. Si les avoirs du Fonds dans la monnaie de l'Etat membre qui se retire ne suffisent pas pour payer le montant net des sommes dues par le Fonds, le solde sera acquitté en or ou de telle autre manière qui pourra être convenue. Si le Fonds et l'Etat membre qui se retire ne parviennent pas à un accord dans les six mois qui suivront la date du retrait de l'Etat membre, les avoirs du Fonds dans la monnaie dont il s'agit seront immédiatement versés à l'Etat membre qui se retire.

during the ensuing five years. Each such instalment shall be paid, at the option of the Fund, either in the currency of the withdrawing member acquired after its withdrawal or by the delivery of gold.

3. If the Fund fails to meet any instalment which is due in accordance with the preceding paragraphs, the withdrawing member shall be entitled to require the Fund to pay the instalment in any currency held by the Fund with the exception of any currency which has been declared scarce under Article VII, Section 3.

4. If the Fund's holdings of the currency of a withdrawing member exceed the amount due to it, and if agreement on the method of settling accounts is not reached within six months of the date of withdrawal, the former member shall be obligated to redeem such excess currency in gold or, at its option, in the currencies of members which at the time of redemption are convertible. Redemption shall be made at the parity existing at the time of withdrawal from the Fund. The withdrawing member shall complete redemption within five years of the date of withdrawal, or within such longer period as may be fixed by the Fund, but shall not be required to redeem in any half-yearly period more than one-tenth of the Fund's excess holdings of its currency at the date of withdrawal plus further acquisitions of the currency during such half-yearly period. If the withdrawing member does not fulfil this obligation, the Fund may in an orderly manner liquidate in any market the amount of currency which should have been redeemed.

5. Any member desiring to obtain the currency of a member which has withdrawn shall acquire it by purchase from the Fund, to the extent that such member has access to the resources of the Fund and that such currency is available under 4 above.

6. The withdrawing member guarantees the unrestricted use at all times of the currency disposed of under 4 and 5 above for the purchase of goods or for

Tout solde dû sera payé en dix versements semestriels pendant les cinq années suivantes. Chacun de ces versements se fera, au choix du Fonds, soit à l'aide de monnaie de cet Etat membre acquise postérieurement à son retrait, soit par remise d'or.

3. Au cas où le Fonds n'effectuerait pas l'un quelconque des paiements dus en vertu des paragraphes précédents, l'Etat membre qui se retire aura le droit d'exiger de lui qu'il effectue ledit paiement dans l'une quelconque des monnaies qu'il détient, à l'exception de celles qui auraient été déclarées rares en vertu de l'article VII, section 3.

4. Si les avoirs du Fonds dans la monnaie d'un Etat membre qui se retire dépassent le montant des sommes dues à cet Etat membre et si aucun accord relatif au mode de règlement des comptes n'intervient dans les six mois qui suivront la date du retrait, l'Etat qui a cessé d'être membre sera tenu de procéder au rachat de cet excédent de monnaie avec de l'or ou, à son choix, avec les monnaies d'autres Etats membres, qui seront convertibles à l'époque du rachat. Le rachat sera effectué au pair en vigueur au moment où l'Etat membre se retirera du Fonds. Le rachat devra être achevé en totalité par l'Etat membre qui se retire dans les cinq ans qui suivront la date du retrait ou dans tel délai plus long que pourra fixer le Fonds; toutefois, l'Etat membre ne sera pas tenu de racheter, au cours de toute période de six mois, plus d'un dixième des avoirs excédentaires du Fonds dans cette monnaie à la date du retrait, augmentés du montant des acquisitions supplémentaires de cette monnaie au cours de ladite période de six mois. Si l'Etat membre qui se retire ne s'acquitte pas de cette obligation, le Fonds pourra liquider, d'une manière ordonnée, sur un marché quelconque, la quantité de monnaie qui aurait dû être rachetée.

5. Tout Etat membre désirant obtenir la monnaie d'un Etat membre qui s'est retiré l'acquerra par achat au Fonds, dans la mesure où ledit Etat membre sera admis à utiliser les ressources du Fonds et où ladite monnaie sera disponible dans les conditions indiquées au paragraphe 4 ci-dessus.

6. L'Etat membre qui se retire garantit que la monnaie cédée ainsi qu'il est prévu aux paragraphes 4 et 5 ci-dessus pourra, à tout moment, être employée

payment of sums due to it or to persons within its territories. It shall compensate the Fund for any loss resulting from the difference between the par value of its currency on the date of withdrawal and the value realized by the Fund on disposal under 4 and 5 above.

7. In the event of the Fund going into liquidation under Article XVI, Section 2, within six months of the date on which the member withdraws, the account between the Fund and that government shall be settled in accordance with Article XVI, Section 2, and Schedule E.

SCHEDULE E

ADMINISTRATION OF LIQUIDATION

1. In the event of liquidation the liabilities of the Fund other than the repayment of subscriptions shall have priority in the distribution of the assets of the Fund. In meeting each such liability the Fund shall use its assets in the following order:

(a) the currency in which the liability is payable;

(b) gold;

(c) all other currencies in proportion, so far as may be practicable, to the quotas of the members.

2. After the discharge of the Fund's liabilities in accordance with 1 above, the balance of the Fund's assets shall be distributed and apportioned as follows:

(a) The Fund shall distribute its holdings of gold among the members whose currencies are held by the Fund in amounts less than their quotas. These members shall share the gold so distributed in the proportions of the amounts by which their quotas exceed the Fund's holdings of their currencies.

(b) The Fund shall distribute to each member one-half the Fund's holdings of its currency but such distribution shall not exceed fifty per cent. of its quota.

(c) The Fund shall apportion the remainder of its holdings of each currency among all the members in proportion to

sans restrictions pour effectuer l'achat de marchandises ou le paiement de sommes dues à lui-même ou à des personnes résidant sur ses territoires. Il indemniserà le Fonds pour toute perte résultant de la différence entre la valeur au pair de sa monnaie à la date de son retrait et la valeur de cette monnaie au moment où le Fonds la cède, conformément aux dispositions des paragraphes 4 et 5 ci-dessus.

7. Au cas où il serait procédé à la liquidation du Fonds, conformément à l'article XVI, section 2, dans les six mois suivant la date du retrait de l'Etat membre, les comptes entre le Fonds et ledit gouvernement seront réglés en conformité des dispositions de l'article XVI, section 2, et de l'annexe E.

ANNEXE E

PROCÉDURE À SUIVRE POUR LA LIQUIDATION

1. En cas de liquidation, les postes du passif du Fonds autres que le remboursement des souscriptions auront priorité dans la distribution de l'actif du Fonds. Pour faire face à chacun de ces engagements, le Fonds emploiera les postes de son actif dans l'ordre suivant:

a) la monnaie dans laquelle l'engagement est payable;

b) l'or;

c) toutes les autres monnaies proportionnellement, autant que possible, aux quotes-parts des Etats membres.

2. Après acquittement des engagements du Fonds conformément aux dispositions du paragraphe 1 ci-dessus, le reliquat de l'actif du Fonds sera réparti et attribué comme suit:

a) Le Fonds répartira ses avoirs en or entre les Etats membres dans les monnaies figurant dans les avoirs du Fonds pour un montant inférieur à leur quote-part. Ces Etats membres se partageront l'or ainsi réparti proportionnellement au montant dont leur quote-part dépasse les avoirs du Fonds dans leur monnaie.

b) Le Fonds distribuera à chaque Etat membre la moitié des avoirs du Fonds dans sa monnaie, sans que cette répartition puisse dépasser 50 pour 100 de sa quote-part.

c) Le Fonds distribuera le reste de ses avoirs dans chaque monnaie entre tous les Etats membres, proportionnellement

the amounts due to each member after the distribution under (a) and (b) above.

3. Each member shall redeem the holdings of its currency apportioned to other members under 2 (c) above, and shall agree with the Fund within three months after a decision to liquidate upon an orderly procedure for such redemption.

4. If a member has not reached agreement with the Fund within the three month period referred to in 3 above, the Fund shall use the currencies of other members apportioned to that member under 2 (c) above to redeem the currency of that member apportioned to other members. Each currency apportioned to a member which has not reached agreement shall be used, so far as possible, to redeem its currency apportioned to the members which have made agreements with the Fund under 3 above.

5. If a member has reached agreement with the Fund in accordance with 3 above, the Fund shall use the currencies of other members apportioned to that member under 2 (c) above to redeem the currency of that member apportioned to other members which have made agreements with the Fund under 3 above. Each amount so redeemed shall be redeemed in the currency of the member to which it was apportioned.

6. After carrying out the preceding paragraphs, the Fund shall pay to each member the remaining currencies held for its account.

7. Each member whose currency has been distributed to other members under 6 above shall redeem such currency in gold or, at its option, in the currency of the member requesting redemption, or in such other manner as may be agreed between them. If the members involved do not otherwise agree, the member obligated to redeem shall complete redemption within five years of the date of distribution, but shall not be required to redeem in any half-yearly period more than one-tenth of the amount distributed to each other member. If the member does not fulfil this obligation, the amount of

au montant dû à chaque Etat membre après les répartitions prévues aux paragraphes a) et b) ci-dessus.

3. Chaque Etat membre rachètera les avoirs dans sa monnaie distribués aux autres Etats membres aux termes du paragraphe 2 c) ci-dessus, et se mettra d'accord avec le Fonds, dans les trois mois qui suivront la décision de liquidation, sur une procédure ordonnée applicable audit rachat.

4. Si un Etat membre n'est pas parvenu à un accord avec le Fonds dans le délai de trois mois visé au paragraphe 3 ci-dessus, le Fonds emploiera les monnaies des autres Etats membres qui auront été attribuées audit Etat membre aux termes du paragraphe 2 c) ci-dessus à racheter la monnaie dudit Etat membre attribuée aux autres Etats membres. Toute monnaie attribuée à un Etat membre qui n'est pas parvenu à un accord sera employée autant que possible à racheter la monnaie de cet Etat membre attribuée aux Etats membres qui ont conclu des accords avec le Fonds aux termes du paragraphe 3 ci-dessus.

5. Si un Etat membre s'est mis d'accord avec le Fonds, ainsi qu'il est prévu au paragraphe 3 ci-dessus, le Fonds emploiera les monnaies des autres Etats membres attribuées à cet Etat membre aux termes du paragraphe 2 c) ci-dessus à racheter la monnaie dudit Etat membre attribuée aux autres Etats membres qui ont conclu des accords avec le Fonds aux termes du paragraphe 3 ci-dessus. Tout montant ainsi racheté le sera dans la monnaie de l'Etat membre auquel il était attribué.

6. Après avoir exécuté les prescriptions des paragraphes précédents, le Fonds versera à chaque Etat membre les monnaies qui restent et qu'il détient pour son compte.

7. Chaque Etat membre dont la monnaie a été répartie entre d'autres Etats membres aux termes du paragraphe 6 ci-dessus, rachètera ladite monnaie en or ou, à son choix, dans la monnaie de l'Etat membre qui demande le rachat, ou de toute autre manière dont il pourra convenir avec lui. Sauf convention contraire entre les parties, l'Etat membre tenu au rachat achèvera le rachat dans les cinq ans de la date de la répartition, mais il ne sera pas requis de racheter en un semestre plus d'un dixième du montant distribué à chacun des autres Etats membres. Si l'Etat membre ne s'acquitte pas de cette

currency which should have been re-deemed may be liquidated in an orderly manner in any market.

8. Each member whose currency has been distributed to other members under 6 above guarantees the unrestricted use of such currency at all times for the purchase of goods or for payment of sums due to it or to persons in its territories. Each member so obligated agrees to compensate other members for any loss resulting from the difference between the par value of its currency on the date of the decision to liquidate the Fund and the value realized by such members on disposal of its currency.

obligation, le montant de la monnaie qui aurait dû être rachetée pourra être liquidé d'une manière ordonnée sur un marché quelconque.

8. Chaque Etat membre dont la monnaie a été répartie entre les Etats membres aux termes du paragraphe 6 ci-dessus, garantit que ladite monnaie pourra, à tout moment, être employée sans restrictions pour effectuer l'achat de marchandises ou le paiement de sommes dues à lui-même ou à des personnes résidant sur ses territoires. Chaque Etat membre soumis à cette obligation convient d'indemniser les autres Etats membres pour toute perte résultant de la différence entre la valeur au pair de sa monnaie à la date de la décision de liquider le Fonds et la valeur de cette monnaie au moment où ces Etats membres en font usage.

No. 669a

Agreement between the United Nations and the International Monetary Fund. Adopted at New York, August 15, 1947.

Accord entre les Nations Unies et le Fonds monétaire international. Adopté à New-York, 15 août 1947.

EDITOR'S NOTE. This Agreement was approved by the Board of Governors of the International Monetary Fund on September 17, 1947, and by the General Assembly of the United Nations on November 15, 1947. A protocol concerning the entry into force of the Agreement was signed at New York, April 15, 1948. 16 *U.N. Treaty Series*, p. 325.

Entered into force November 15, 1947.¹

Text supplied by the Secretariat of the United Nations.

ARTICLE 1.—*General*

1. This agreement, which is entered into by the United Nations pursuant to the provisions of Article 63 of its Charter, and by the International Monetary Fund (hereinafter called the Fund), pursuant to the provisions of article X of its Articles of Agreement, is intended to define the terms on which the United Nations and the Fund shall be brought into relationship.

2. The Fund is a specialized agency established by agreement among its

ARTICLE 1.—*Généralités*

1. Le présent accord, qui est conclu par l'Organisation des Nations Unies, conformément aux dispositions de l'Article 63 de la Charte, et par le Fonds monétaire international (dénommé ci-après le Fonds), conformément aux dispositions de l'article X de ses statuts, a pour but de fixer les modalités selon lesquelles le Fonds et l'Organisation des Nations Unies seront reliés.

2. Le Fonds est une institution spécialisée constituée par les Gou-

¹ Filed with the Secretariat of the United Nations, under No. 108, July 1, 1948.

member governments and having wide international responsibilities, as defined in its Articles of Agreement, in economic and related fields within the meaning of Article 57 of the Charter of the United Nations. By reason of the nature of its international responsibilities and the terms of its Articles of Agreement, the Fund is, and is required to function as, an independent international organization.

3. The United Nations and the Fund are subject to certain necessary limitations for the safeguarding of confidential material furnished to them by their members or others, and nothing in this agreement shall be construed to require either of them to furnish any information the furnishing of which would, in its judgment, constitute a violation of the confidence of any of its members or anyone from whom it shall have received such information, or which would otherwise interfere with the orderly conduct of its operations.

ARTICLE 2.—*Reciprocal representation*

1. Representatives of the United Nations shall be entitled to attend, and to participate without vote in, meetings of the Board of Governors of the Fund. Representatives of the United Nations shall be invited to participate without vote in meetings especially called by the Fund for the particular purpose of considering the United Nations point of view in matters of concern to the United Nations.

2. Representatives of the Fund shall be entitled to attend meetings of the General Assembly of the United Nations for purposes of consultation.

3. Representatives of the Fund shall be entitled to attend, and to

vernements des Etats Membres, en vertu d'un accord conclu entre eux, et pourvue, aux termes de ses statuts, d'attributions internationales étendues dans le domaine économique et les autres domaines connexes qui entrent dans le cadre de l'Article 57 de la Charte des Nations Unies. Par suite de la nature de ses attributions internationales et des articles de ses statuts, le Fonds est une organisation internationale indépendante, et doit fonctionner comme telle.

3. L'Organisation des Nations Unies et le Fonds sont soumis à certaines restrictions nécessaires pour assurer le secret des documents qui leur sont fournis par leurs membres ou qui proviennent d'autres sources; aucune disposition du présent accord ne peut être interprétée comme obligeant l'une ou l'autre de ces organisations à communiquer des informations dont la divulgation leur paraîtrait constituer un manquement à la confiance mise en elles par ceux qui les leur ont fournies, qu'ils soient ou non membres de ces organisations, ou qui pourraient, de toute autre manière, gêner la bonne marche de leurs travaux.

ARTICLE 2.—*Représentation réciproque*

1. Des représentants de l'Organisation des Nations Unies auront le droit d'assister et de participer, sans droit de vote, aux réunions du Conseil des Gouverneurs du Fonds. Des représentants de l'Organisation des Nations Unies seront invités à participer, sans droit de vote, aux réunions convoquées spécialement par le Fonds, aux fins d'étudier les vues de l'Organisation des Nations Unies sur les questions qui intéressent l'Organisation.

2. Des représentants du Fonds auront le droit d'assister, à titre consultatif, aux réunions de l'Assemblée générale des Nations Unies.

3. Des représentants du Fonds auront le droit d'assister, et de

participate without vote in, meetings of the committees of the General Assembly, meetings of the Economic and Social Council, of the Trusteeship Council and of their respective subsidiary bodies, dealing with matters in which the Fund has an interest.

4. Sufficient advance notice of these meetings and their agenda shall be given so that, in consultation, arrangements can be made for adequate representation.

ARTICLE 3.—*Proposal of agenda items*

In preparing the agenda for meetings of the Board of Governors, the Fund will give due consideration to the inclusion in the agenda of items proposed by the United Nations. Similarly, the Council and its commissions and the Trusteeship Council will give due consideration to the inclusion in their agenda of items proposed by the Fund.

ARTICLE 4.—*Consultation and recommendations*

1. The United Nations and the Fund shall consult together and exchange views on matters of mutual interest.

2. Neither organization, nor any of their subsidiary bodies, will present any formal recommendations to the other without reasonable prior consultation with regard thereto. Any formal recommendations made by either organization after such consultation will be considered as soon as possible by the appropriate organ of the other.

ARTICLE 5.—*Exchange of information*

The United Nations and the Fund will, to the fullest extent practicable

participer, sans droit de vote, aux séances des commissions de l'Assemblée générale, aux séances du Conseil économique et social, à celles du Conseil de tutelle et à celles de leurs organes subsidiaires respectifs qui s'occupent de questions intéressant le Fonds.

4. Ces réunions et leur ordre du jour seront annoncés suffisamment à l'avance pour permettre aux deux organisations de se consulter pour prendre des mesures en vue d'une représentation adéquate.

ARTICLE 3.—*Inscription de questions à l'ordre du jour*

Lors de la préparation de l'ordre du jour des réunions du Conseil des Gouverneurs, le Fonds examinera, avec toute l'attention nécessaire, s'il y a lieu d'inscrire à l'ordre du jour des questions proposées par l'Organisation des Nations Unies. De leur côté, le Conseil et ses commissions, ainsi que le Conseil de tutelle, examineront, avec toute l'attention nécessaire, s'il y a lieu d'inscrire à l'ordre du jour des questions proposées par le Fonds.

ARTICLE 4.—*Consultation et recommandations*

1. L'Organisation des Nations Unies et le Fonds se consulteront et échangeront leurs vues sur les questions d'intérêt commun.

2. Aucune de ces deux organisations et aucun de leurs organismes subsidiaires ne présentera à l'autre ou à ses organismes subsidiaires des recommandations formelles sans avoir procédé, au préalable, à des consultations normales à ce sujet. Toute recommandation formelle faite, après une telle consultation, par l'une de ces organisations, sera examinée, dès que possible, par l'organe approprié de l'autre.

ARTICLE 5.—*Echange d'informations*

L'Organisation des Nations Unies et le Fonds prendront, dans toute la

and subject to paragraph 3 of article 1, arrange for the current exchange of information and publications of mutual interest, and the furnishings of special reports and studies upon request.

ARTICLE 6.—*Security Council*

1. The Fund takes note of the obligation assumed, under paragraph 2 of Article 48 of the United Nations Charter, by such of its members as are also Members of the United Nations, to carry out the decisions of the Security Council through their action in the appropriate specialized agencies of which they are members, and will, in the conduct of its activities, have due regard for decisions of the Security Council under Articles 41 and 42 of the United Nations Charter.

2. The Fund agrees to assist the Security Council by furnishing to it information in accordance with the provisions of article 5 of this agreement.

ARTICLE 7.—*Assistance to the Trusteeship Council*

The Fund agrees to co-operate with the Trusteeship Council in the carrying out of its functions by furnishing information and technical assistance upon request, and in such other similar ways as may be consistent with the Articles of Agreement of the Fund.

ARTICLE 8.—*International Court of Justice*

The General Assembly of the United Nations hereby authorizes the Fund to request advisory opinions of the International Court of Justice on any legal questions arising within the scope of the Fund's activities other than questions relating to the relationship between the Fund

mesure du possible, et sous réserve du paragraphe 3 de l'article 1, des dispositions en vue d'échanger couramment des informations et des publications d'intérêt commun et de fournir, sur demande, des études et des rapports spéciaux.

ARTICLE 6.—*Conseil de sécurité*

1. Le Fonds prend note de l'obligation que ceux de ses membres, qui sont également Membres de l'Organisation des Nations Unies, ont assumée, aux termes du paragraphe 2 de l'Article 48 de la Charte des Nations Unies, et par laquelle ils sont tenus d'exécuter les décisions du Conseil de sécurité, grâce à leur action dans les institutions spécialisée appropriées dont ils font partie, et prendra dûment en considération, dans la conduite de son activité, les décisions prises par le Conseil de sécurité en vertu des Articles 41 et 42 de la Charte des Nations Unies.

2. Le Fonds convient d'apporter une aide au Conseil de sécurité, en lui fournissant les renseignements prévus à l'article 5 du présent accord.

ARTICLE 7.—*Assistance au Conseil de tutelle*

Le Fonds convient de coopérer avec le Conseil de tutelle dans l'accomplissement de ses fonctions, en fournissant, sur demande, des informations et une assistance technique, ainsi que par d'autres moyens analogues qui ne vont pas à l'encontre du statut du Fonds.

ARTICLE 8.—*Cour internationale de Justice*

L'Assemblée générale des Nations Unies autorise le Fonds, par le présent accord, à demander des avis consultatifs à la Cour internationale de Justice sur les questions juridiques qui se poseraient dans le cadre de son activité, à l'exception de celles concernant les relations réciproques

and the United Nations or any specialized agency. Whenever the Fund shall request the Court for an advisory opinion, the Fund will inform the Economic and Social Council of the request.

ARTICLE 9.—*Statistical services*

1. In the interests of efficiency and for the purpose of reducing the burden on national Governments and other organizations, the United Nations and the Fund agree to co-operate in eliminating unnecessary duplication in the collection, analysis, publication and dissemination of statistical information.

2. The Fund recognizes the United Nations as the central agency for the collection, analysis, publication, standardization and improvement of statistics serving the general purposes of international organizations, without prejudice to the right of the Fund to concern itself with any statistics so far as they may be essential for its own purposes.

3. The United Nations recognizes the Fund as the appropriate agency for the collection, analysis, publication, standardization and improvement of statistics within its special sphere, without prejudice to the right of the United Nations to concern itself with any statistics so far as they may be essential for its own purposes.

4. (a) In its statistical activities the Fund agrees to give full consideration to the requirements of the United Nations and of the specialized agencies.

(b) In its statistical activities the United Nations agrees to give full consideration to the requirements of the Fund.

5. The United Nations and the Fund agree to furnish each other

entre le Fonds et l'Organisation des Nations Unies ou d'autres institutions spécialisées. Toutes les fois que le Fonds demandera à la Cour un avis consultatif, il en informera le Conseil économique et social.

ARTICLE 9.—*Services de statistiques*

1. En vue d'assurer le maximum de rendement et de réduire les charges des Gouvernements nationaux et des autres organisations, l'Organisation des Nations Unies et le Fonds conviennent de coopérer à l'élimination de tout double emploi inutile, dans le rassemblement, l'analyse, la publication et la diffusion des informations statistiques.

2. Le Fonds reconnaît que l'Organisation des Nations Unies constitue l'organisme central chargé de recueillir, analyser, publier, standardiser et améliorer les statistiques servant les buts généraux des organisations internationales, sans qu'il soit porté préjudice au droit du Fonds de s'intéresser à toutes statistiques, pour autant qu'elles sont essentielles à la poursuite de ses propres buts.

3. Le Fonds est reconnu par l'Organisation des Nations Unies comme étant l'organisme approprié chargé de recueillir, d'analyser, de publier, de standardiser et d'améliorer les statistiques, dans son propre domaine, sans qu'il soit porté préjudice au droit de l'Organisation des Nations Unies de s'intéresser à toutes statistiques, pour autant qu'elles sont essentielles à la poursuite de son propre but.

4. a) Dans ses activités statistiques, le Fonds convient de tenir pleinement compte des besoins de l'Organisation des Nations Unies et des institutions spécialisées.

b) Dans ses activités statistiques, l'Organisation des Nations Unies convient de tenir pleinement compte des besoins du Fonds.

5. L'Organisation des Nations Unies et le Fonds conviennent de se

promptly with all their non-confidential statistical information.

communiquer réciproquement et sans délai toutes leurs informations statistiques de caractère non confidentiel.

ARTICLE 10.—*Administrative relationships*

1. The United Nations and the Fund will consult from time to time concerning personnel and other administrative matters of mutual interest, with a view to securing as much uniformity in these matters as they shall find practicable and to assuring the most efficient use of the services and facilities of the two organizations. These consultations shall include determination of the most equitable manner in which special services furnished by one organization to the other should be financed.

2. To the extent consistent with the provisions of this agreement, the Fund will participate in the work of the Co-ordination Committee and its subsidiary bodies.

3. The Fund will furnish to the United Nations copies of the annual report and the quarterly financial statements prepared by the Fund pursuant to section 7 (a) of article V of its Articles of Agreement. The United Nations agrees that, in the interpretation of paragraph 3 of Article 17 of the United Nations Charter it will take into consideration that the Fund does not rely for its annual budget upon contributions from its members, and that the appropriate authorities of the Fund enjoy full autonomy in deciding the form and content of such budget.

4. The officials of the Fund shall have the right to use the *laissez-passer* of the United Nations in accordance with special arrangements to be negotiated between the Secretary-General of the United Nations and the competent authorities of the Fund.

ARTICLE 10.—*Relations administratives*

1. L'Organisation des Nations Unies et le Fonds se consulteront de temps à autre sur les questions de personnel et les autres questions administratives d'intérêt commun, afin d'assurer le plus d'uniformité possible dans ce domaine et de faire le meilleur usage de leurs services et de leurs ressources. Ces consultations serviront notamment à fixer, avec le plus d'équité possible, la façon d'indemniser les services spéciaux rendus par une organisation à l'autre.

2. Dans la mesure où les dispositions du présent accord le permettent, le Fonds participera aux travaux du Comité de coordination et de ses organes subsidiaires.

3. Le Fonds enverra à l'Organisation des Nations Unies un certain nombre d'exemplaires de son rapport annuel et des relevés financiers trimestriels établis en vertu de l'article V (section 7, alinéa a) de ses statuts. L'Organisation des Nations Unies convient que, dans l'interprétation du paragraphe 3 de l'Article 17 de la Charte des Nations Unies, elle tiendra compte du fait que le Fonds, pour son budget annuel, ne dépend pas des contributions de ses membres, et que les autorités compétentes du Fonds jouissent d'une autonomie complète pour déterminer la forme et le contenu de ce budget.

4. Les fonctionnaires du Fonds auront le droit d'utiliser les laissez-passer de l'Organisation des Nations Unies, conformément aux accords spéciaux qui seront négociés par le Secrétaire général de l'Organisation des Nations Unies avec les autorités compétentes du Fonds.

ARTICLE 11.—*Agreements with other Organizations*

The Fund will inform the Economic and Social Council of any formal agreement which the Fund shall enter into with any specialized agency, and in particular agrees to inform the Council of the nature and scope of any such agreement before it is concluded.

ARTICLE 12.—*Liaison*

1. The United Nations and the Fund agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective co-operation between the two organizations. Each agrees that it will establish within its own organization such administrative machinery as may be necessary to make the liaison, as provided for in this agreement, fully effective.

2. The arrangements provided for in the foregoing articles of this agreement shall apply, as far as is appropriate, to relations between such branch or regional offices as may be established by the two organizations, as well as between their central machinery.

ARTICLE 13.—*Miscellaneous*

1. The Secretary-General of the United Nations and the Managing Director of the Fund are authorized to make such supplementary arrangements as they shall deem necessary or proper to carry fully into effect the purposes of this agreement.

2. This agreement shall be subject to revision by agreement between the United Nations and the Fund from the date of its entry into force.

3. This agreement may be terminated by either party thereto on six months' written notice to the other party, and thereupon all rights and obligations of both parties hereunder shall cease.

ARTICLE 11.—*Accords avec d'autres organisations*

Le Fonds convient d'informer le Conseil économique et social de tout accord formel de caractère général qu'il conclurait avec toute autre institution spécialisée et, notamment, de l'informer de la nature et de la portée d'un tel accord avant de le conclure.

ARTICLE 12.—*Liaison*

1. L'Organisation des Nations Unies et le Fonds conviennent des dispositions précédentes dans l'espoir qu'elles contribueront à assurer une liaison efficace entre les deux organisations. Ils s'engagent à créer, chacun au sein de sa propre organisation, les rouages administratifs qui permettront de rendre pleinement efficace la liaison prévue au présent accord.

2. Les dispositions prévues aux articles précédents du présent accord s'appliqueront, dans la mesure du possible, tant aux relations entre les bureaux régionaux et locaux que les organisations pourront établir qu'aux relations entre leurs administrations centrales.

ARTICLE 13.—*Divers*

1. Le Secrétaire général des Nations Unies et l'Administrateur délégué du Fonds sont habilités à conclure tous les arrangements complémentaires qu'ils estimeraient nécessaires ou convenables en vue d'atteindre pleinement les objectifs du présent accord.

2. Le présent accord sera sujet à révision par accord entre l'Organisation des Nations Unies et le Fonds, à partir de la date de sa mise en application.

3. Chacune des parties pourra dénoncer le présent accord en notifiant par écrit à l'autre partie, six mois à l'avance, son intention de mettre fin audit accord. A l'expiration de ce délai de six mois, les droits et obligations des deux parties prendront fin.

4. This agreement shall come into force when it shall have been approved by the General Assembly of the United Nations and the Board of Governors of the Fund.

4. Le présent accord entrera en vigueur quand il aura été approuvé par l'Assemblée générale de l'Organisation des Nations Unies et par le Conseil des Gouverneurs du Fonds.

No. 670

ARTICLES OF AGREEMENT of the International Bank for Reconstruction and Development. Opened for signature at Washington, December 27, 1945.

ACCORD relatif à la Banque internationale pour la reconstruction et le développement. Ouvert à la signature à Washington, 27 décembre 1945.

EDITOR'S NOTE. This Agreement and an agreement concerning the International Monetary Fund (No. 669, *ante*) were formulated at the United Nations Monetary and Financial Conference held at Bretton Woods, July 1-22, 1944. A draft of the Agreement prepared by the United States Treasury had been made public on November 23, 1943. 30 *Federal Reserve Bulletin* (1944), pp. 37-41. The first meeting of the Board of Governors of the Bank was held on March 8, 1946. The Bank became a specialized agency of the United Nations on the basis of an agreement of August 15, 1947 (No. 670a, *post*). A Bank for International Settlements was established by a convention signed at The Hague, January 20, 1930, and a protocol on the bank's immunities was signed at Brussels, July 30, 1936 (Nos. 246 and 450, *ante*). A convention for the establishment of an Inter-American Bank was opened for signature at Washington, May 10, 1940 (No. 587, *ante*).

RATIFICATIONS. On May 4, 1949, this Agreement had been accepted by Australia, Austria, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Great Britain, Greece, Guatemala, Honduras, Iceland, India, Iran, Iraq, Italy, Lebanon, Luxemburg, Mexico, Netherlands, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland, South Africa, Syria, Thailand, Turkey, the United States of America, Uruguay, Venezuela, and Yugoslavia.

BIBLIOGRAPHY. The text of this Agreement is also published in *British Treaty Series*, No. 21 (1946), Cmd. 6885, p. 34; Canada, *United Nations Monetary and Financial Conference, Final Act* (Ottawa, 1944), pp. 47-67; *U.S. Treaties and Other International Acts Series*, No. 1502. For a French translation, see Belgium, *Pasinomie* (1946), p. 36; 2 *Revue égyptienne de droit international* (1946), p. 237; for a Spanish translation, see República Dominicana, *Memoria de relaciones exteriores*, 1944, pp. 292-331; 9 *Revista argentina de derecho internacional* (1946), pp. 79-112. See also *Proceedings and Documents of United Nations Monetary and Financial Conference* (U.S. Department of State, Publ. 2866, Int. Org. and Conf. Series, I, 3), 2 vols., 1808 pp.

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ment international," 2 *Revue économique et sociale* (1945), pp. 43-61; A. H. Hansen, *America's Role in the World Economy* (New York, 1945), pp. 33-47; M. H. de Kock, "The International Bank for Reconstruction and Development," 12 *South African Journal of Economics* (1944), pp. 223-32; E. Meyer, "The International Bank for Reconstruction and Development," 22 *Proceedings of the Academy of Political Science* (1947), pp. 148-55; A. Smithies, "The International Bank for Reconstruction and Development," 34 *American Economic Review* (1944), I, pp. 785-97; G. Solmssen, "'The International Bank for Reconstruction and Development' im Lichte der amerikanischen Entwicklung," 81 *Schweizerische Zeitschrift für Volkswirtschaft und Statistik* (1945), pp. 551-69; H. C. Wallich, "Financing the International Bank," 24 *Harvard Business Review* (1946), pp. 164-82; N. Weyl and M. J. Wasserman, "The International Bank, an Instrument of World Economic Reconstruction," 37 *American Economic Review* (1947), I, pp. 92-106. See also the bibliography under No. 669, *ante*.

Entered into force December 27, 1945.¹

Text and translation from 2 *U.N. Treaty Series*, p. 134.

[Traduction]

The Governments on whose behalf the present Agreement is signed agree as follows:

Les gouvernements au nom desquels le présent accord est signé sont convenus de ce qui suit:

INTRODUCTORY ARTICLE

The International Bank for Reconstruction and Development is established and shall operate in accordance with the following provisions:

ARTICLE PRÉLIMINAIRE

La Banque internationale pour la reconstruction et le développement est créée et fonctionnera conformément aux dispositions suivantes:

ARTICLE I

PURPOSES

The purposes of the Bank are:

(I) To assist in the reconstruction and development of territories of members by facilitating the investment of capital for productive purposes, including the restoration of economies destroyed or disrupted by war, the reconversion of productive facilities to peacetime needs and the encouragement of the development of productive facilities and resources in less developed countries.

(II) To promote private foreign investment by means of guarantees or participations in loans and other investments made by private investors; and when private capital is

ARTICLE I

BUTS

Les buts de la Banque sont les suivants:

I) Aider à la reconstruction et au développement des territoires des Etats membres en facilitant l'investissement de capitaux à des fins productives et notamment aux fins de relever les économies détruites ou désorganisées par la guerre, de réadapter les moyens de production aux besoins du temps de paix et d'encourager le développement des moyens de production et des ressources dans les pays moins développés.

II) Favoriser les investissements privés à l'étranger au moyen de garanties ou de participation à des prêts et à d'autres investissements effectués par des particuliers; et, à

¹ Registered with the Secretariat of the United Nations, No. 20 (b), April 25, 1947.

not available on reasonable terms, to supplement private investment by providing, on suitable conditions, finance for productive purposes out of its own capital, funds raised by it and its other resources.

(iii) To promote the long-range balanced growth of international trade and the maintenance of equilibrium in balances of payments by encouraging international investment for the development of the productive resources of members, thereby assisting in raising productivity, the standard of living and conditions of labour in their territories.

(iv) To arrange the loans made or guaranteed by it in relation to international loans through other channels so that the more useful and urgent projects, large and small alike, will be dealt with first.

(v) To conduct its operations with due regard to the effect of international investment on business conditions in the territories of members and, in the immediate post-war years, to assist in bringing about a smooth transition from a wartime to a peacetime economy.

The Bank shall be guided in all its decisions by the purposes set forth above.

ARTICLE II

MEMBERSHIP IN AND CAPITAL OF THE BANK

Section 1.—Membership

(a) The original members of the Bank shall be those members of the International Monetary Fund which accept membership in the Bank before the date specified in Article XI, Section 2 (e).

(b) Membership shall be open to

défaut de capitaux privés disponibles à des conditions raisonnables, compléter les investissements de caractère privé sous des conditions appropriées, en fournissant à des fins productives des moyens financiers tirés de son propre capital, des fonds réunis par elle et de ses autres ressources.

iii) Contribuer au développement harmonieux, sur une longue période de temps, des échanges internationaux et au maintien de l'équilibre des balances des paiements en encourageant les investissements internationaux ayant pour but d'accroître les ressources productives des Etats membres, et aider de cette manière à augmenter la productivité, à élever le niveau de vie et à améliorer les conditions de travail dans les territoires des Etats membres.

iv) Tenir compte en ce qui concerne les prêts qu'elle accorde ou qu'elle garantit des prêts internationaux provenant d'autres sources, de manière que les projets les plus utiles et les plus urgents aient la priorité quelle que soit leur envergure.

v) Diriger ses opérations en tenant dûment compte des effets des investissements internationaux sur la situation économique dans les territoires des Etats membres et, pendant les premières années qui suivront la guerre, faciliter le passage progressif de l'économie de guerre à l'économie de paix.

La Banque s'inspirera, dans toutes ses décisions, des buts énoncés ci-dessus.

ARTICLE II

MEMBRES DE LA BANQUE ET CAPITAL DE LA BANQUE

Section 1.—Membres

a) Seront membres originaires de la Banque les membres du Fonds monétaire international qui auront accepté de devenir membres de la Banque avant la date indiquée à l'article XI, section 2 e).

b) Les autres membres du Fonds

other members of the Fund, at such times and in accordance with such terms as may be prescribed by the Bank.

Section 2.—Authorized capital

(a) The authorized capital stock of the Bank shall be \$10,000,000,000, in terms of United States dollars of the weight and fineness in effect on July 1, 1944. The capital stock shall be divided into 100,000 shares having a par value of \$100,000 each, which shall be available for subscription only by members.

(b) The capital stock may be increased when the Bank deems it advisable by a three-fourths majority of the total voting power.

Section 3.—Subscription of shares

(a) Each member shall subscribe shares of the capital stock of the Bank. The minimum number of shares to be subscribed by the original members shall be those set forth in Schedule A. The minimum number of shares to be subscribed by other members shall be determined by the Bank, which shall reserve a sufficient portion of its capital stock for subscription by such members.

(b) The Bank shall prescribe rules laying down the conditions under which members may subscribe shares of the authorized capital stock of the Bank in addition to their minimum subscriptions.

(c) If the authorized capital stock of the Bank is increased, each member shall have a reasonable opportunity to subscribe, under such conditions as the Bank shall decide, a proportion of the increase of stock equivalent to the proportion which its stock theretofore subscribed bears to the total capital stock of the Bank, but no member shall be obligated to subscribe any part of the increased capital.

pourront devenir membres de la Banque aux époques et aux conditions qui pourront être fixées par la Banque.

Section 2.—Capital autorisé

a) Le capital social autorisé de la Banque sera de 10.000.000.000 de dollars des Etats-Unis, du poids et du titre en vigueur le 1^{er} juillet 1944. Le capital social sera divisé en 100.000 parts d'une valeur au pair de 100.000 dollars chacune, qui ne pourront être souscrites que par les Etats membres.

b) Le capital social pourra être augmenté quand la Banque le jugera opportun par un vote à la majorité des trois quarts du total des voix attribuées.

Section 3.—Souscription des parts

a) Chaque Etat membre souscrira des parts de capital de la Banque. Le nombre minimum de parts à souscrire par les Etats membres originaires sera celui qui figure à l'annexe A. Le nombre minimum de parts à souscrire par les autres Etats membres sera fixé par la Banque, qui réservera une part suffisante de son capital social pour permettre auxdits Etats membres de souscrire.

b) La Banque établira des règles fixant les conditions dans lesquelles les Etats membres pourront souscrire d'autres parts du capital autorisé de la Banque, en sus de leurs souscriptions minima.

c) En cas d'augmentation du capital social autorisé de la Banque, chaque Etat membre se verra offrir des possibilités raisonnables de souscrire, dans les conditions que la Banque fixera, une partie de l'augmentation de capital proportionnelle à la part de ses souscriptions antérieures au capital social total de la Banque, mais aucun Etat membre ne sera tenu de souscrire une partie quelconque de l'augmentation de capital.

Section 4.—Issue price of shares

Shares included in the minimum subscriptions of original members shall be issued at par. Other shares shall be issued at par unless the Bank by a majority of the total voting power decides in special circumstances to issue them on other terms.

Section 5.—Division and calls of subscribed capital

The subscription of each member shall be divided into two parts as follows:

(I) twenty per cent. shall be paid or subject to call under Section 7 (I) of this Article as needed by the Bank for its operations.

(II) the remaining eighty per cent. shall be subject to call by the Bank only when required to meet obligations of the Bank created under Article IV, Section 1 (a) (II) and (III).

Calls on unpaid subscriptions shall be uniform on all shares.

Section 6.—Limitation on liability

Liability on shares shall be limited to the unpaid portion of the issue price of the shares.

Section 7.—Method of payment of subscriptions for shares

Payment of subscriptions for shares shall be made in gold or United States dollars and in the currencies of the members as follows:

(I) under Section 5 (I) of this Article, two per cent. of the price of each share shall be payable in gold or United States dollars, and, when calls are made, the remaining eighteen per cent. shall be paid in the currency of the member;

Section 4.—Prix d'émission des parts

Les parts comprises dans les souscriptions minima des Etats membres originaires seront émises au pair. Les autres parts seront émises au pair, à moins que, dans des circonstances spéciales, la Banque ne décide, par un vote à la majorité du nombre total des voix attribuées, de les émettre à d'autres conditions.

Section 5.—Division des souscriptions et appels du capital souscrit

La souscription de chaque Etat membre sera divisée en deux parties, comme suit:

I) vingt pour cent seront versés ou pourront être appelés en vertu de la section 7 I) du présent article lorsque la Banque en aura besoin pour ses opérations;

II) les 80 pour 100 restants ne pourront être appelés par la Banque que lorsqu'il sera nécessaire pour faire face à des obligations de la Banque résultant d'opérations prévues par l'article IV, section 1 a) II) et III).

Les appels sur les souscriptions non libérées porteront uniformément sur toutes les parts.

Section 6.—Limitation de responsabilité

La responsabilité encourue au titre des parts sera limitée au paiement de la portion non versée du prix d'émission des parts.

Section 7.—Modalités de paiement des parts souscrites

Le paiement des parts souscrites sera effectué en or ou en dollars des Etats-Unis et en monnaie des Etats membres, suivant les modalités ci-après:

I) en vertu de la section 5 I) du présent article, 2 pour 100 du prix de chaque part seront payables en or ou en dollars des Etats-Unis et, en cas d'appels, les 18 pour 100 restants seront payés dans la monnaie de l'Etat membre;

(II) when a call is made under Section 5 (II) of this Article, payment may be made at the option of the member either in gold, United States dollars or in the currency required to discharge the obligations of the bank for the purpose for which the call is made;

(III) when a member makes payments in any currency under (I) and (II) above, such payments shall be made in amounts equal in value to the member's liability under the call. This liability shall be a proportionate part of the subscribed capital stock of the Bank as authorized and defined in Section 2 of this Article.

Section 8.—Time of payment of subscriptions

(a) The two per cent. payable on each share in gold or United States dollars under Section 7 (I) of this Article, shall be paid within sixty days of the date on which the Bank begins operations, provided that (I) any original member of the Bank whose metropolitan territory has suffered from enemy occupation or hostilities during the present war shall be granted the right to postpone payment of one-half per cent. until five years after that date; (II) an original member who cannot make such a payment because it has not recovered possession of its gold reserves which are still seized or immobilized as a result of the war may postpone all payment until such date as the Bank may decide.

(b) The remainder of the price of each share payable under Section 7 (I) of this Article shall be paid as and when called by the Bank, provided that

(I) the Bank shall, within one year of its beginning operations, call not less than eight per cent. of the price

II) lorsqu'un appel a lieu en vertu de la section 5 II) du présent article, le paiement pourra être effectué, au choix de l'Etat membre, soit en or, soit en dollars des Etats-Unis, soit dans la monnaie requise pour honorer les engagements de la Banque ayant donné lieu à l'appel;

III) lorsqu'un Etat membre effectuera des versements dans une monnaie quelconque, dans les conditions prévues aux alinéas I) et II) ci-dessus, les montants de ces versements devront être égaux en valeur à l'obligation mise à la charge du membre par l'appel. Cette obligation sera proportionnelle à la part souscrite du capital social de la Banque, autorisé et défini à la section 2 du présent article.

Section 8.—Date du paiement des souscriptions

a) Les 2 pour 100 payables sur chaque part, en or ou en dollars des Etats-Unis, en vertu de la section 7 I) du présent article seront versés dans les soixante jours à compter de la date à laquelle la Banque commencera ses opérations, étant entendu que: I) tout membre originaire de la Banque dont le territoire métropolitain aura, pendant la présente guerre, souffert de l'occupation ennemie ou des hostilités sera autorisé à différer le paiement de 0,50 pour 100, pendant une période de cinq ans, à partir de cette date; II) un membre originaire qui ne pourra effectuer un tel paiement faute d'être rentré en possession de ses réserves d'or encore saisies ou immobilisées du fait de la guerre pourra différer tout paiement jusqu'à la date que fixera la Banque.

b) Le solde du prix de chaque part payable aux termes de la section 7 I) du présent article sera versé suivant les modalités et aux dates fixées par la Banque, étant entendu que:

I) la Banque devra, dans l'année qui suivra le commencement de ses opérations, appeler, au minimum, 8

of the share in addition to the payment of two per cent. referred to in (a) above;

(II) not more than five per cent. of the price of the share shall be called in any period of three months.

Section 9.—Maintenance of value of certain currency holdings of the Bank

(a) Whenever (I) the par value of a member's currency is reduced, or (II) the foreign exchange value of a member's currency has, in the opinion of the Bank, depreciated to a significant extent within that member's territories, the member shall pay to the Bank within a reasonable time an additional amount of its own currency sufficient to maintain the value, as of the time of initial subscription, of the amount of the currency of such member, which is held by the Bank and derived from currency originally paid in to the Bank by the member under Article II, Section 7 (1), from currency referred to in Article IV, Section 2 (b), or from any additional currency furnished under the provisions of the present paragraph, and which has not been re-purchased by the member for gold or for the currency of any member which is acceptable to the Bank.

(b) Whenever the par value of a member's currency is increased, the Bank shall return to such member within a reasonable time an amount of that member's currency equal to the increase in the value of the amount of such currency described in (a) above.

(c) The provisions of the preceding paragraphs may be waived by the Bank when a uniform proportionate change in the par values of the currencies of all its members is made by the International Monetary Fund.

pour 100 du prix de la part, en plus du paiement de 2 pour 100 visé au paragraphe a) ci-dessus;

II) le montant appelé au cours de toute période de trois mois ne dépassera pas 5 pour 100 du prix de la part.

Section 9.—Maintien de la valeur de certains avoirs de la Banque en monnaies

a) Toutes les fois que I) la valeur au pair de la monnaie d'un Etat membre aura été réduite, ou que II) le taux de change de la monnaie d'un Etat membre aura, de l'avis de la Banque, subi une dépréciation notable à l'intérieur des territoires de cet Etat membre, celui-ci devra, dans un délai raisonnable, verser dans sa propre monnaie à la Banque une somme supplémentaire suffisante pour maintenir au même niveau qu'à l'époque de la souscription initiale la valeur des avoirs de la Banque en monnaie de cet Etat membre provenant des versements effectués à l'origine par ledit Etat membre en vertu de l'article II, section 7 1), de la monnaie visée à l'article IV, section 2 b), ou de toute monnaie supplémentaire remise en application des dispositions du présent paragraphe, dans la mesure où ces quantités de monnaie n'ont pas été rachetées par ledit Etat membre contre de l'or ou contre de la monnaie d'un autre Etat membre agréée par la Banque.

b) Chaque fois que la valeur au pair de la monnaie d'un Etat membre sera augmentée, la Banque devra, dans un délai raisonnable, reverser audit Etat membre une quantité de sa monnaie égale à l'accroissement de valeur de l'ensemble des avoirs définis au paragraphe a) ci-dessus.

c) La Banque pourra renoncer à appliquer les dispositions des paragraphes précédents lorsque le Fonds monétaire international modifiera dans une proportion uniforme la valeur au pair des monnaies de tous ses membres.

Section 10.—Restriction on disposal of shares

Shares shall not be pledged or encumbered in any manner whatever and they shall be transferable only to the Bank.

ARTICLE III

GENERAL PROVISIONS RELATING TO
LOANS AND GUARANTEES

Section 1.—Use of resources

(a) The resources and the facilities of the Bank shall be used exclusively for the benefit of members with equitable consideration to projects for development and projects for reconstruction alike.

(b) For the purpose of facilitating the restoration and reconstruction of the economy of members whose metropolitan territories have suffered great devastation from enemy occupation or hostilities, the Bank, in determining the conditions and terms of loans made to such members, shall pay special regard to lightening the financial burden and expediting the completion of such restoration and reconstruction.

Section 2.—Dealings between members and the Bank

Each member shall deal with the Bank only through its Treasury, central bank, stabilization fund or other similar fiscal agency, and the Bank shall deal with members only by or through the same agencies.

Section 3.—Limitations on guarantees and borrowings of the Bank

The total amount outstanding of guarantees, participations in loans and direct loans made by the Bank shall not be increased at any time, if

Section 10.—Restrictions au droit de disposer des parts

Les parts ne seront ni mises en gage ni grevées de charges quelconques et elles ne pourront être cédées qu'à la Banque.

ARTICLE III

DISPOSITIONS GÉNÉRALES CONCERNANT LES PRÊTS ET LES GARANTIES

Section 1.—Emploi des ressources

a) Les ressources et les services de la Banque seront employés au bénéfice exclusif des Etats membres, en prenant équitablement en considération tant les projets de développement que les projets de reconstruction.

b) Afin de faciliter la restauration et la reconstruction des économies nationales des Etats membres dont les territoires métropolitains ont subi d'importantes dévastations du fait de l'occupation ennemie ou des hostilités, la Banque devra, lorsqu'elle fixera les conditions et les clauses des prêts consentis auxdits Etats membres, veiller tout particulièrement à alléger la charge financière résultant de la restauration et de la reconstruction et à hâter l'achèvement de celles-ci.

Section 2.—Opérations des Etats membres avec la Banque

Tout Etat membre traitera avec la Banque exclusivement par l'intermédiaire de son département des finances, de sa banque centrale, de son fonds de stabilisation ou de tous autres organismes financiers analogues, et la Banque traitera avec les Etats membres exclusivement par l'intermédiaire de ces mêmes organismes.

Section 3.—Limites des garanties et des prêts accordés par la Banque

Le montant total des garanties, participations à des prêts et prêts directs accordés par la Banque ne pourra à aucun moment subir d'aug-

by such increase the total would exceed one hundred per cent. of the unimpaired subscribed capital, reserves and surplus of the Bank.

Section 4.—Conditions on which the Bank may guarantee or make loans

The Bank may guarantee, participate in, or make loans to any member or any political sub-division thereof and any business, industrial, and agricultural enterprise in the territories of a member, subject to the following conditions.

(1) When the member in whose territories the project is located is not itself the borrower, the member or the central bank or some comparable agency of the member which is acceptable to the Bank, fully guarantees the repayment of the principal and the payment of interest and other charges on the loan.

(2) The Bank is satisfied that in the prevailing market conditions the borrower would be unable otherwise to obtain the loan under conditions which in the opinion of the Bank are reasonable for the borrower.

(3) A competent committee, as provided for in Article V, Section 7, has submitted a written report recommending the project after a careful study of the merits of the proposal.

(4) In the opinion of the Bank the rate of interest and other charges are reasonable and such rate, charges and the schedule for repayment of principal are appropriate to the project.

(5) In making or guaranteeing a loan, the Bank shall pay due regard to the prospects that the borrower, and, if the borrower is not a member,

mentation si ladite augmentation devait avoir pour effet de le porter à plus de 100 pour 100 du capital souscrit non entamé, augmenté des réserves et de l'actif nets de la Banque.

Section 4.—Conditions auxquelles la Banque peut garantir ou accorder des prêts

La Banque pourra garantir des prêts, participer à des prêts ou consentir des prêts en faveur de tout Etat membre ou de toute subdivision politique d'un Etat membre et de toute entreprise commerciale, industrielle ou agricole dans les territoires d'un Etat membre, sous réserve des conditions suivantes:

1) Lorsque l'Etat membre sur les territoires duquel le projet doit être réalisé n'est pas lui-même l'emprunteur, l'Etat membre ou la banque centrale ou un organisme analogue dudit Etat membre, agréé par la Banque, doit garantir intégralement le remboursement du principal et le paiement des intérêts et autres frais afférents au prêt.

2) La Banque doit avoir la certitude que, eu égard à la situation du marché, l'emprunteur ne pourrait autrement obtenir le prêt à des conditions qui, de l'avis de la Banque, seraient raisonnables pour l'emprunteur.

3) Un comité compétent, constitué ainsi qu'il est prévu à l'article V, section 7, doit avoir présenté un rapport écrit appuyant le projet d'un avis favorable après avoir examiné soigneusement le bien-fondé de la demande.

4) La Banque doit estimer que le taux d'intérêt et les autres frais sont raisonnables et que ce taux et ces frais ainsi que le plan de remboursement du principal sont bien adaptés à la nature du projet.

5) Pour accorder ou pour garantir un prêt, la Banque doit tenir dûment compte de la mesure dans laquelle il est possible d'escompter que l'em-

that the guarantor, will be in position to meet its obligations under the loan; and the Bank shall act prudently in the interests both of the particular member in whose territories the project is located and of the members as a whole.

(6) In guaranteeing a loan made by other investors, the Bank receives suitable compensation for its risk.

(7) Loans made or guaranteed by the Bank shall, except in special circumstances, be for the purpose of specific projects of reconstruction or development.

Section 5.—Use of loans guaranteed, participated in or made by the Bank

(a) The Bank shall impose no conditions that the proceeds of a loan shall be spent in the territories of any particular member or members.

(b) The Bank shall make arrangements to ensure that the proceeds of any loan are used only for the purposes for which the loan was granted, with due attention to considerations of economy and efficiency and without regard to political or other non-economic influences or considerations.

(c) In the case of loans made by the Bank, it shall open an account in the name of the borrower and the amount of the loan shall be credited to this account in the currency or currencies in which the loan is made. The borrower shall be permitted by the Bank to draw on this account only to meet expenses in connection with the project as they are actually incurred.

prunteur ou, si l'emprunteur n'est pas un Etat membre, que le garant sera en état de faire face aux obligations que le prêt lui impose; et la Banque devra agir avec prudence afin de protéger à la fois les intérêts de l'Etat membre particulier sur les territoires duquel le projet doit être réalisé et les intérêts de l'ensemble des Etats membres.

(6) Lorsqu'elle garantit un prêt accordé par d'autres prêteurs, la Banque doit recevoir une indemnité convenable pour le risque encouru.

(7) Les prêts accordés ou garantis par la Banque doivent, sauf dans des cas spéciaux, être destinés à la réalisation de projets précis de reconstruction ou de développement.

Section 5.—Utilisation des prêts que la Banque garantit, des prêts auxquels elle participe ou des prêts qu'elle accorde

a) La Banque n'imposera pas de conditions tendant à ce que les sommes provenant d'un prêt soient dépensées dans les territoires de tel ou tels Etats membres déterminés.

b) La Banque prendra des dispositions garantissant que les sommes provenant d'un prêt quelconque seront exclusivement utilisées aux fins en vue desquelles le prêt a été accordé, en donnant aux considérations d'économie et de rendement l'importance qui leur est due et sans tenir compte des influences ou des considérations d'ordre politique ou de toutes autres influences ou considérations qui ne sont pas d'ordre économique.

c) Dans le cas de prêts accordés par la Banque, celle-ci ouvrira un compte au nom de l'emprunteur et le montant du prêt sera porté au crédit de ce compte dans la monnaie ou dans les monnaies dans lesquelles le prêt est libellé. L'emprunteur ne sera autorisé par la Banque à tirer sur ce compte que pour faire face aux dépenses afférentes à la réalisation du projet, au fur et à mesure qu'elles seront effectivement encourues.

ARTICLE IV OPERATIONS

Section 1.—Methods of making or facilitating loans

(a) The Bank may make or facilitate loans which satisfy the general conditions of Article III in any of the following ways:

(I) By making or participating in direct loans out of its own funds corresponding to its unimpaired paid-up capital and surplus and, subject to Section 6 of this Article, to its reserves.

(II) By making or participating in direct loans out of funds raised in the market of a member, or otherwise borrowed by the Bank.

(III) By guaranteeing in whole or in part loans made by private investors through the usual investment channels.

(b) The Bank may borrow funds under (a) (II) above or guarantee loans under (a) (III) above only with the approval of the member in whose markets the funds are raised and the member in whose currency the loan is denominated, and only if those members agree that the proceeds may be exchanged for the currency of any other member without restriction.

Section 2.—Availability and transferability of currencies

(a) Currencies paid into the Bank under Article II, Section 7 (I), shall be loaned only with the approval in each case of the member whose currency is involved; provided, however, that if necessary, after the Bank's subscribed capital has been entirely called, such currencies shall, without restriction by the members whose currencies are offered, be used

ARTICLE IV OPÉRATIONS

Section 1.—Méthodes à suivre pour accorder ou faciliter les prêts

a) La Banque peut, pour accorder ou faciliter des prêts répondant aux conditions générales énoncées à l'article III, recourir à l'une des méthodes suivantes:

I) Accorder des prêts directs ou participer à des prêts directs en utilisant ses fonds propres provenant de son capital versé non entamé et de l'actif net et, sous réserve des dispositions de la section 6 du présent article, de ses réserves.

II) Accorder des prêts directs ou participer à des prêts directs en utilisant des fonds obtenus sur le marché d'un Etat membre ou empruntés de toute autre manière par la Banque.

III) Garantir, en totalité ou en partie, des prêts consentis par des particuliers suivant les méthodes habituelles de placement.

b) La Banque ne peut emprunter de fonds ainsi qu'il est prévu à l'alinéa a) II) ci-dessus, ou garantir des prêts ainsi qu'il est prévu à l'alinéa a) III) ci-dessus, qu'avec l'assentiment de l'Etat membre sur les marchés duquel les fonds sont obtenus et celle de l'Etat membre dans la monnaie duquel le prêt est libellé, et seulement si lesdits Etats membres acceptent que le montant dudit prêt puisse être échangé sans restriction contre la monnaie de tout autre Etat membre.

Section 2.—Possibilité d'emploi et de transfert des monnaies

a) Les monnaies versées à la Banque en vertu de l'article II, section 7 I), ne seront prêtées qu'avec l'assentiment, dans chaque cas, de l'Etat membre dans la monnaie duquel l'opération est effectuée. Il est entendu toutefois que, s'il est nécessaire, après appel de la totalité du capital souscrit de la Banque, lesdites monnaies seront, sans re-

or exchanged for the currencies required to meet contractual payment of interest, other charges or amortization on the Bank's own borrowings, or to meet the Bank's liabilities with respect to such contractual payments on loans guaranteed by the Bank.

(b) Currencies received by the Bank from borrowers or guarantors in payment on account of principal of direct loans made with currencies referred to in (a) above shall be exchanged for the currencies of other members or reloaned only with the approval in each case of the members whose currencies are involved; provided, however, that if necessary, after the Bank's subscribed capital has been entirely called, such currencies shall without restriction by the members whose currencies are offered, be used or exchanged for the currencies required to meet contractual payments of interest, other charges or amortization on the Bank's own borrowings, or to meet the Bank's liabilities with respect to such contractual payments on loans guaranteed by the Bank.

(c) Currencies received by the Bank from borrowers or guarantors in payment on account of principal of direct loans made by the Bank under Section 1 (a) (II) of this Article, shall be held and used without restriction by the members to make amortization payments, or to anticipate payment of or repurchase part or all of the Bank's own obligations.

(d) All other currencies available to the Bank, including those raised in

striction de la part des Etats membres dont les monnaies sont ainsi offertes, employées ou échangées contre les monnaies requises pour faire face aux paiements contractuels d'intérêts, aux autres frais ou à l'amortissement en ce qui concerne les emprunts contractés par la Banque elle-même ou pour faire face aux engagements de la Banque relatifs à ces mêmes paiements contractuels sur les prêts garantis par elle.

b) Les monnaies remises à la Banque par des emprunteurs ou des garants au titre du remboursement du principal de prêts directs accordés dans les monnaies visées au paragraphe a) ci-dessus, ne seront échangées contre les monnaies d'autres Etats membres ou prêtées à nouveau qu'avec l'assentiment, dans chaque cas, des Etats membres dans les monnaies desquels l'opération est effectuée. Il est entendu toutefois que, en cas de nécessité et après appel de la totalité du capital souscrit de la Banque, lesdites monnaies seront, sans restriction de la part des Etats membres dont les monnaies sont ainsi offertes, employées ou échangées contre les monnaies requises pour faire face aux paiements contractuels d'intérêts, aux autres frais ou à l'amortissement en ce qui concerne les emprunts contractés par la Banque elle-même ou pour faire face aux engagements de la Banque relatifs à ces mêmes paiements contractuels sur les prêts garantis par elle.

c) Les monnaies remises à la Banque par des emprunteurs ou des garants au titre du remboursement du principal de prêts directs accordés par la Banque en vertu de la section 1 a) II) du présent article seront conservées et employées sans restriction de la part des Etats membres soit pour effectuer des paiements d'amortissement, soit pour rembourser par anticipation ou racheter en tout ou en partie des obligations propres à la Banque.

d) Toutes les autres monnaies dont dispose la Banque, y compris

the market or otherwise borrowed under Section 1 (a) (II) of this Article, those obtained by the sale of gold, those received as payments of interest and other charges for direct loans made under Section 1 (a) (I) and (II), and those received as payments of commissions and other charges under Section 1 (a) (III), shall be used or exchanged for other currencies or gold required in the operations of the Bank without restriction by the members whose currencies are offered.

(e) Currencies raised in the markets of members by borrowers on loans guaranteed by the Bank under Section 1 (a) (III) of this Article, shall also be used or exchanged for other currencies without restriction by such members.

Section 3.—Provision of currencies for direct loans

The following provisions shall apply to direct loans under Section 1 (a) (I) and (II) of this Article:

(a) The Bank shall furnish the borrower with such currencies of members other than the member in whose territories the project is located as are needed by the borrower for expenditures to be made in the territories of such other members to carry out the purposes of the loan.

(b) The Bank may, in exceptional circumstances when local currency required for the purposes of the loan cannot be raised by the borrower on reasonable terms, provide the borrower as part of the loan with an appropriate amount of that currency.

(c) The Bank, if the project gives rise indirectly to an increased need

celles qui sont obtenues sur le marché ou empruntées de toute autre manière ainsi qu'il est prévu à la section 1 a) II) du présent article, celles qui sont obtenues par la vente d'or, celles qui sont reçues en paiement d'intérêts et d'autres frais se rapportant à des prêts directs consentis en vertu de la section 1 a) I) et II) et celles qui sont reçues en paiement de commissions et d'autres frais dans le cas visé à la section 1 a) III), seront employées ou échangées contre d'autres monnaies ou contre de l'or dont la Banque a besoin pour ses opérations, sans restriction de la part des membres dont les monnaies sont ainsi offertes.

e) Les monnaies obtenues sur les marchés d'Etats membres par des emprunteurs à l'occasion de prêts garantis par la Banque suivant les dispositions de la section 1 a) III) du présent article, seront également employées ou échangées contre d'autres monnaies sans restriction de la part desdits Etats membres.

Section 3.—Fourniture de monnaies pour des prêts directs

Les dispositions suivantes s'appliqueront aux prêts directs effectués en vertu de la section 1 a) I) et II) du présent article.

a) La Banque fournira à l'emprunteur les monnaies d'Etats membres, autres que l'Etat membre sur les territoires duquel le projet doit être réalisé, dont l'emprunteur aura besoin pour couvrir les dépenses qu'il est nécessaire d'effectuer sur les territoires de ces autres Etats membres pour réaliser les fins du prêt.

b) La Banque pourra, dans des cas exceptionnels où l'emprunteur ne pourra obtenir à des conditions raisonnables la monnaie locale nécessaire pour réaliser les fins en vue desquelles le prêt a été consenti, fournir à l'emprunteur à titre de partie du prêt, une quantité appropriée de cette monnaie.

c) La Banque pourra, dans des circonstances exceptionnelles, si le

for foreign exchange by the member in whose territories the project is located, may in exceptional circumstances provide the borrower as part of the loan with an appropriate amount of gold or foreign exchange not in excess of the borrower's local expenditure in connection with the purposes of the loan.

(d) The Bank may, in exceptional circumstances, at the request of a member in whose territories a portion of the loan is spent, repurchase with gold or foreign exchange a part of that member's currency thus spent but in no case shall the part so repurchased exceed the amount by which the expenditure of the loan in those territories gives rise to an increased need for foreign exchange.

Section 4.—Payment provisions for direct loans

Loan contracts under Section 1 (a) (i) or (ii) of this Article shall be made in accordance with the following payment provisions:

(a) The terms and conditions of interest and amortization payments, maturity and dates of payment of each loan shall be determined by the Bank. The Bank shall also determine the rate and any other terms and conditions of commission to be charged in connection with such loan.

In the case of loans made under Section 1 (a) (ii) of this Article during the first ten years of the Bank's operations, this rate of commission shall be not less than one per cent. per annum and not greater than one and one-half per cent. per annum, and shall be charged on the outstanding portion of any such loan. At the end of this period of ten years,

projet accroît indirectement les besoins en devises étrangères de l'Etat membre sur les territoires duquel il doit être réalisé, fournir à l'emprunteur, à titre de partie du prêt, une quantité appropriée d'or ou de devises étrangères qui ne devra pas excéder le montant des dépenses que l'emprunteur devra engager sur un territoire déterminé pour réaliser les fins en vue desquelles le prêt a été consenti.

d) La Banque pourra, dans des circonstances exceptionnelles, à la demande d'un Etat membre sur les territoires duquel une partie du prêt est dépensée, racheter contre de l'or ou des devises étrangères une partie de la monnaie de cet Etat membre qui aura été ainsi dépensée; toutefois, la partie ainsi rachetée n'excèdera en aucun cas le montant correspondant à l'accroissement des besoins en devises étrangères résultant de l'emploi du prêt à des dépenses sur ces territoires.

Section 4.—Dispositions réglementant les paiements relatifs aux prêts directs

Les contrats de prêts conclus en vertu de la section 1 a) i) ou ii) du présent article seront établis conformément aux dispositions suivantes réglementant les paiements:

a) Les clauses et conditions relatives aux paiements d'intérêts et d'amortissement, à l'échéance et aux dates de paiement de chaque prêt seront fixées par la Banque. La Banque fixera également le taux et toutes autres clauses et conditions relatives à la commission à percevoir à l'occasion dudit prêt.

Dans le cas de prêts consentis en vertu de la section 1 a) ii) du présent article, au cours des dix premières années du fonctionnement de la Banque, ce taux de commission ne sera pas inférieur à 1 pour 100 par an ni supérieur à 1,50 pour 100 par an et portera sur la partie non remboursée de tout prêt de cette nature. A l'expiration de cette période de dix

the rate of commission may be reduced by the Bank with respect both to the outstanding portions of loans already made and to future loans, if the reserves accumulated by the Bank under Section 6 of this Article and out of other earnings are considered by it sufficient to justify a reduction. In the case of future loans the Bank shall also have discretion to increase the rate of commission beyond the above limit, if experience indicates that an increase is advisable.

(b) All loan contracts shall stipulate the currency or currencies in which payments under the contract shall be made to the Bank. At the option of the borrower, however, such payments may be made in gold, or subject to the agreement of the Bank, in the currency of a member other than that prescribed in the contract.

(1) In the case of loans made under Section 1 (a) (1) of this Article, the loan contracts shall provide that payments to the Bank of interest, other charges and amortization shall be made in the currency loaned, unless the member whose currency is loaned agrees that such payments shall be made in some other specified currency or currencies. These payments, subject to the provisions of Article II, Section 9 (c), shall be equivalent to the value of such contractual payments at the time the loans were made, in terms of a currency specified for the purpose by the Bank by a three-fourths majority of the total voting power.

ans, le taux de commission pourra être réduit par la Banque, tant en ce qui concerne les parties non remboursées des prêts déjà accordés qu'en ce qui concerne les prêts futurs, à condition que les réserves accumulées par la Banque au titre de la section 6 du présent article et celles qui proviennent d'autres recettes soient jugées par la Banque suffisantes pour justifier une réduction. Pour ce qui est des prêts futurs, la Banque aura également la faculté d'augmenter le taux de la commission au delà de la limite indiquée ci-dessus, si l'expérience démontre qu'il est opportun de procéder à une augmentation.

b) Tous les contrats de prêts spécifieront en quelle monnaie (ou en quelles monnaies) seront effectués à la Banque les paiements prévus par les contrats. Toutefois, l'emprunteur aura le choix d'effectuer les paiements dont il s'agit en or, ou avec l'assentiment de la Banque, dans la monnaie d'un Etat membre autre que celle dont l'utilisation est prescrite dans le contrat.

1) En ce qui concerne les prêts consentis en vertu de la section 1 a) 1) du présent article, les contrats de prêt devront prescrire que les paiements à effectuer à la Banque pour payer les intérêts, les autres frais et l'amortissement auront lieu dans la monnaie dans laquelle le prêt a été consenti, à moins que l'Etat membre dont la monnaie a été ainsi employée n'accepte que ces paiements soient effectués dans une ou plusieurs autres monnaies nommément désignées. Sous réserve des dispositions de l'article II, section 9 c), les dits paiements devront avoir une valeur équivalente à la valeur desdits paiements contractuels à l'époque où les prêts ont été consentis, cette valeur étant exprimée dans une monnaie désignée à cet effet par la Banque par un vote à la majorité des trois quarts du total des voix des personnes admises à voter.

(II) In the case of loans made under Section I (a) (II) of this Article, the total amount outstanding and payable to the Bank in any one currency shall at no time exceed the total amount of the outstanding borrowings made by the Bank under Section I (a) (II) and payable in the same currency.

(c) If a member suffers from an acute exchange stringency, so that the service of any loan contracted by that member or guaranteed by it or by one of its agencies cannot be provided in the stipulated manner, the member concerned may apply to the Bank for a relaxation of the conditions of payment. If the Bank is satisfied that some relaxation is in the interests of the particular member and of the operations of the Bank and of its members as a whole, it may take action under either, or both, of the following paragraphs with respect to the whole, or part, of the annual service:

(I) The Bank may, in its discretion, make arrangements with the member concerned to accept service payments on the loan in the member's currency for periods not to exceed three years upon appropriate terms regarding the use of such currency and the maintenance of its foreign exchange value; and for the repurchase of such currency on appropriate terms.

(II) The Bank may modify the terms of amortization or extend the life of the loan, or both.

Section 5.—Guarantees

(a) In guaranteeing a loan placed through the usual investment chan-

II) En ce qui concerne les prêts consentis en vertu de la section I a) II) du présent article, le montant total des sommes dues et payables à la Banque dans une monnaie donnée ne devra, à aucun moment, dépasser le montant total des sommes non encore remboursées que la Banque a empruntées en vertu de la section I a) II) et qui sont payables dans cette même monnaie.

c) Si, par suite d'une grave pénurie de devises étrangères, un Etat membre ne peut assurer, de la manière prescrite, le service de tout emprunt contracté ou garanti par lui ou par un de ses organismes, il pourra demander à la Banque un assouplissement des conditions de paiement. Si la Banque estime que faire droit à cette demande serait agir dans l'intérêt de l'Etat membre en question ainsi que dans l'intérêt des opérations de la Banque et de l'ensemble de ses membres, elle pourra, en ce qui concerne la totalité ou une partie du service annuel de l'emprunt, procéder ainsi qu'il est prévu dans l'un ou dans l'autre des paragraphes suivants ou dans les deux à la fois:

1) La Banque pourra, si elle le juge utile, conclure avec l'Etat membre intéressé des arrangements en vue d'accepter que les paiements au titre du service de l'emprunt soient effectués dans la monnaie dudit Etat membre pendant des périodes n'excédant pas trois ans à des conditions appropriées en ce qui concerne l'utilisation de ladite monnaie et le maintien de sa valeur au change, en vue d'assurer le rachat de ladite monnaie à des conditions appropriées.

II) La Banque pourra modifier les conditions d'amortissement ou prolonger la durée du prêt ou prendre ces deux mesures.

Section 5.—Garanties

a) Lorsqu'elle garantira un prêt négocié selon les méthodes habi-

nels, the Bank shall charge a guarantee commission payable periodically on the amount of the loan outstanding at a rate determined by the Bank. During the first ten years of the Bank's operations, this rate shall be not less than one per cent. per annum and not greater than one and one-half per cent. per annum. At the end of this period of ten years, the rate of commission may be reduced by the Bank with respect both to the outstanding portions of loans already guaranteed and to future loans if the reserves accumulated by the Bank under Section 6 of this Article and out of other earnings are considered by it sufficient to justify a reduction. In the case of future loans, the Bank shall also have discretion to increase the rate of commission beyond the above limit, if experience indicates that an increase is advisable.

(b) Guarantee commissions shall be paid directly to the Bank by the borrower.

(c) Guarantees by the Bank shall provide that the Bank may terminate its liability with respect to interest if, upon default by the borrower and by the guarantor, if any, the Bank offers to purchase, at par and interest accrued to a date designated in the offer, the bonds or other obligations guaranteed.

(d) The Bank shall have power to determine any other terms and conditions of the guarantee.

Section 6.—Special reserve

The amount of commissions received by the Bank under Sections 4 and 5 of this Article shall be set aside as a special reserve, which shall be used only for meeting liabilities of the Bank in accordance

tuelles de placement, la Banque percevra sur le montant non remboursé du prêt et au taux fixé par elle, une commission de garantie qui sera payable périodiquement. Durant les dix premières années du fonctionnement de la Banque, ce taux ne sera pas inférieur à 1 pour 100 par an, ni supérieur à 1,50 pour 100 par an. A l'expiration de cette période de dix ans, le taux de commission pourra être réduit par la Banque tant en ce qui concerne les parties non remboursées des prêts déjà accordés qu'en ce qui concerne les prêts futurs, à condition que les réserves accumulées par la Banque au titre de la section 6 du présent article et celles qui proviennent d'autres recettes soient jugées par la Banque suffisantes pour justifier une réduction. Pour ce qui est des prêts futurs, la Banque aura également la faculté d'augmenter le taux de la commission au delà de la limite indiquée ci-dessus, si l'expérience montre qu'il est opportun de procéder à une augmentation.

b) Les commissions de garantie seront versées directement à la Banque par l'emprunteur.

c) Les garanties de la Banque comporteront une clause donnant à la Banque la faculté de mettre fin à sa responsabilité en ce qui concerne le service des intérêts, si en cas de défaut de l'emprunteur et, éventuellement, du garant, elle offre d'acheter au pair majoré des intérêts échus jusqu'à la date spécifiée dans l'offre, les obligations ou autres titres garantis.

d) La Banque aura le pouvoir de fixer toutes autres clauses et conditions de la garantie.

Section 6.—Réserve spéciale

Le montant des commissions perçues par la Banque au titre des sections 4 et 5 du présent article sera mis de côté pour constituer une réserve spéciale, qui sera maintenue disponible pour faire face aux obli-

with Section 7 of this Article. The special reserve shall be held in such liquid form, permitted under this Agreement, as the Executive Directors may decide.

Section 7.—Methods of meeting liabilities of the Bank in case of defaults

In cases of default on loans made, participated in, or guaranteed by the Bank:

(a) The Bank shall make such arrangements as may be feasible to adjust the obligations under the loans, including arrangements under or analogous to those provided in Section 4 (c) of this Article.

(b) The payments in discharge of the Bank's liabilities on borrowings or guarantees under Section I (a) (II) and (III) of this Article shall be charged:

(I) first, against the special reserve provided in Section 6 of this Article;

(II) then, to the extent necessary and at the discretion of the Bank, against the other reserves, surplus and capital available to the Bank.

(c) Whenever necessary to meet contractual payments of interest, other charges or amortization on the Bank's own borrowings, or to meet the Bank's liabilities with respect to similar payments on loans guaranteed by it, the Bank may call an appropriate amount of the unpaid subscriptions of members in accordance with Article II, Sections 5 and 7. Moreover, if it believes that a default may be of long duration, the Bank may call an additional amount of such unpaid subscriptions not to exceed in any one year one per cent. of the total subscriptions

de la Banque, conformément aux dispositions de la section 7 du présent article. Cette réserve spéciale sera maintenue en état de liquidité sous telle forme, permise par le présent accord, que pourront prescrire les administrateurs.

Section 7.—Modalités d'exécution des engagements de la Banque en cas de défaillance

En cas de défaut de paiement affectant des prêts que la Banque a consentis, auxquels elle a participé ou qu'elle a garantis:

a) La Banque conclura tous arrangements praticables pour ajuster les obligations résultant des prêts, y compris les arrangements prévus par la section 4 c) du présent article ou des arrangements analogues.

b) Le montant des paiements effectués par la Banque pour s'acquitter des obligations résultant pour elle d'emprunts ou de garanties accordés en vertu des alinéas II) et III) de la section I a) du présent article sera prélevé:

1) tout d'abord, sur la réserve spéciale prévue à la section 6 du présent article;

II) et ensuite, dans la mesure que la Banque jugera nécessaire, sur les autres réserves, l'actif net et le capital à la disposition de la Banque.

c) La Banque pourra, ainsi qu'il est prévu à l'article II, sections 5 et 7, appeler sur les souscriptions non payées des Etats membres un montant convenable, chaque fois qu'il sera nécessaire d'agir ainsi pour faire face aux paiements contractuels d'intérêts, autres charges et amortissements afférents à ses emprunts propres ou pour faire face à ses obligations relatives à des paiements analogues sur des prêts qu'elle garantit. En outre, si la Banque estime que le défaut de paiement peut être de longue durée, elle pourra appeler sur ces souscriptions non

of the members for the following purposes:

(I) To redeem prior to maturity or otherwise discharge its liability on all or part of the outstanding principal of any loan guaranteed by it in respect to which the debtor is in default.

(II) To repurchase or otherwise discharge its liability on all or part of its own outstanding borrowings.

Section 8.—Miscellaneous operations

In addition to the operations specified elsewhere in this Agreement, the Bank shall have the power:

(I) To buy and sell securities it has issued and to buy and sell securities which it has guaranteed or in which it has invested, provided that the Bank shall obtain the approval of the member in whose territories the securities are to be bought or sold.

(II) To guarantee securities in which it has invested for the purpose of facilitating their sale.

(III) To borrow the currency of any member with the approval of that member.

(IV) To buy and sell such other securities as the Directors by a three-fourths majority of the total voting power may deem proper for the investment of all or part of the special reserve under Section 6 of this Article.

In exercising the powers conferred by this Section, the Bank may deal with any person, partnership, association, corporation or other legal entity in the territories of any member.

Section 9.—Warning to be placed on securities

Every security guaranteed or issued by the Bank shall bear on its

payées un montant additionnel qui ne devra pas dépasser au cours d'une année quelconque 1 pour 100 du total des souscriptions des Etats membres, aux fins de:

I) Se libérer par voie de rachat avant échéance ou de toute autre manière de ses obligations relatives à tout ou partie du principal non remboursé de tout prêt garanti par elle et dont le débiteur est en défaut.

II) Se libérer par voie de rachat ou de toute autre manière de ses obligations relatives à tout ou partie de ses propres emprunts non remboursés.

Section 8.—Opérations diverses

Outre les opérations mentionnées dans d'autres passages du présent accord, la Banque aura le pouvoir:

I) D'acheter et de vendre les titres émis par elle et d'acheter et de vendre les titres qu'elle a garantis ou dans lesquelles elle a placé des fonds, à condition d'obtenir l'assentiment de l'Etat membre dans les territoires duquel les dites valeurs doivent être achetées ou vendues;

II) De garantir, en vue d'en faciliter la vente, les titres dans lesquels elle a placé des fonds;

III) D'emprunter la monnaie d'un Etat membre quelconque avec l'assentiment de cet Etat membre;

IV) D'acheter et de vendre tels autres titres que les administrateurs, par un vote à la majorité des trois quarts du total des voix attribuées, estimeront convenir au placement de tout ou partie de la réserve spéciale visée à la section 6 du présent article.

Lorsqu'elle fera usage des pouvoirs qui lui sont conférés par les dispositions de la présente section, la Banque pourra traiter avec toute personne, société en nom collectif, association, société de capitaux ou autre personne morale établie dans les territoires de tout Etat membre.

Section 9.—Avertissement devant figurer sur les titres

Il sera très clairement indiqué au recto de toute valeur garantie ou

face a conspicuous statement to the effect that it is not an obligation of any government unless expressly stated on the security.

Section 10.—Political activity prohibited

The Bank and its officers shall not interfere in the political affairs of any member; nor shall they be influenced in their decisions by the political character of the member or members concerned. Only economic considerations shall be relevant to their decisions, and these considerations shall be weighed impartially in order to achieve the purposes stated in Article I.

ARTICLE V

ORGANIZATION AND MANAGEMENT

Section 1.—Structure of the Bank

The Bank shall have a Board of Governors, Executive Directors, a President and such other officers and staff to perform such duties as the Bank may determine.

Section 2.—Board of Governors

(a) All the powers of the Bank shall be vested in the Board of Governors consisting of one governor and one alternate appointed by each member in such manner as it may determine. Each governor and each alternate shall serve for five years, subject to the pleasure of the member appointing him, and may be reappointed. No alternate may vote except in the absence of his principal. The Board shall select one of the governors as Chairman.

(b) The Board of Governors may delegate to the Executive Directors authority to exercise any powers of the Board, except the power to:

émise par la Banque que cette valeur ne constitue pas une obligation d'un gouvernement quelconque, sauf mention expresse inscrite sur le titre.

Section 10.—Interdiction de toute activité d'ordre politique

La Banque et ses dirigeants n'interviendront pas dans les affaires politiques d'un Etat membre quelconque. Ils ne se laisseront pas influencer dans leurs décisions par l'orientation politique de l'Etat membre ou des Etats membres intéressés. Seules des considérations d'ordre économique pourront inspirer leurs décisions et ces considérations devront faire l'objet d'un examen impartial afin que les buts énoncés à l'article premier soient atteints.

ARTICLE V

ORGANISATION ET ADMINISTRATION

Section 1.—Structure de la Banque

La Banque comprendra un conseil des gouverneurs, des administrateurs, un président ainsi que les autres fonctionnaires dirigeants et membres du personnel dont le concours sera requis pour exercer les fonctions que la Banque fixera.

Section 2.—Conseil des gouverneurs

a) Tous les pouvoirs de la Banque sont dévolus au Conseil des gouverneurs qui comprendra pour chaque Etat membre un gouverneur et un suppléant nommés par ledit Etat membre de la manière qu'il fixera. Chacun des gouverneurs et des suppléants restera en fonctions pendant cinq ans, à moins que l'Etat membre qui l'a nommé n'en décide autrement, et il pourra être nommé à nouveau. Aucun suppléant ne sera admis à voter sauf en cas d'absence du titulaire. Le Conseil choisira son président parmi les gouverneurs.

b) Le Conseil des gouverneurs pourra déléguer aux administrateurs le droit d'exercer tous ses pouvoirs, à l'exception des pouvoirs:

(I) Admit new members and determine the conditions of their admission;

(II) Increase or decrease the capital stock;

(III) Suspend a member;

(IV) Decide appeals from interpretations of this Agreement given by the Executive Directors;

(v) Make arrangements to co-operate with other international organizations (other than informal arrangements of a temporary and administrative character);

(vi) Decide to suspend permanently the operations of the Bank and to distribute its assets;

(vii) Determine the distribution of the net income of the Bank.

(c) The Board of Governors shall hold an annual meeting and such other meetings as may be provided for by the Board or called by the Executive Directors. Meetings of the Board shall be called by the Directors whenever requested by five members or by members having one-quarter of the total voting power.

(d) A quorum for any meeting of the Board of Governors shall be a majority of the Governors, exercising not less than two-thirds of the total voting powers.

(e) The Board of Governors may by regulation establish a procedure whereby the Executive Directors, when they deem such action to be in the best interests of the Bank, may obtain a vote of the Governors on a specific question without calling a meeting of the Board.

(f) The Board of Governors, and the Executive Directors to the extent authorized, may adopt such rules and regulations as may be necessary or appropriate to conduct the business of the Bank.

(g) Governors and alternates shall serve as such without compensation from the Bank, but the Bank shall

i) D'admettre de nouveaux Etats membres et de fixer les conditions de leur admission;

II) D'augmenter ou de réduire le capital social;

III) De suspendre un Etat membre;

IV) De statuer en appel sur les interprétations du présent accord données par les administrateurs;

v) De conclure des arrangements en vue de coopérer avec d'autres organisations internationales (sauf s'il s'agit d'arrangements non officiels de nature temporaire et administrative);

vi) De décider de suspendre de façon permanente les opérations de la Banque et d'en répartir l'actif;

vii) De fixer la répartition du revenu net de la Banque.

c) Le Conseil des gouverneurs tiendra une réunion annuelle et toutes autres réunions qui seraient prévues par le Conseil ou convoquées par les administrateurs. Le Conseil sera convoqué par les administrateurs sur la demande de cinq Etats membres ou d'Etats membres réunissant le quart du total des voix attribuées.

d) Le quorum pour toute séance du Conseil des gouverneurs sera constitué par une majorité des gouverneurs disposant des deux tiers au moins du total des voix attribuées.

e) Le Conseil des gouverneurs pourra, par voie de règlement, instituer une procédure permettant aux administrateurs, quand ils le jugeront conforme aux intérêts de la Banque, d'obtenir un vote des gouverneurs, sur une question déterminée, sans réunir le Conseil.

f) Le conseil des gouverneurs et, dans la mesure où ils en ont le pouvoir, les administrateurs pourront adopter les règles et règlements nécessaires ou utiles à la conduite des affaires de la Banque.

g) Les fonctions de gouverneur et de suppléant ne seront pas rémunérées par la Banque. Toutefois, la

pay them reasonable expenses incurred in attending meetings.

(h) The Board of Governors shall determine the remuneration to be paid to the Executive Directors and the salary and terms of the contract of service of the President.

Section 3.—Voting

(a) Each member shall have two hundred and fifty votes plus one additional vote for each share of stock held.

(b) Except as otherwise specifically provided, all matters before the Bank shall be decided by a majority of the votes cast.

Section 4.—Executive Directors

(a) The Executive Directors shall be responsible for the conduct of the general operations of the Bank, and for this purpose, shall exercise all the powers delegated to them by the Board of Governors.

(b) There shall be twelve Executive Directors, who need not be governors, and of whom:

(i) five shall be appointed, one by each of the five members having the largest number of shares;

(ii) seven shall be elected according to Schedule B by all the Governors other than those appointed by the five members referred to in (i) above.

For the purpose of this paragraph, "members" means governments of countries whose names are set forth in Schedule A, whether they are original members or become members in accordance with Article II, Section 1 (b). When governments of other countries become members, the Board of Governors may, by a four-fifths majority of the total voting power, increase the total number

Banque remboursera aux gouverneurs et suppléants les dépenses raisonnables qu'ils auront encourues pour assister aux réunions.

h) Le Conseil des gouverneurs fixera le montant de la rémunération allouée aux administrateurs ainsi que le traitement et les clauses du contrat d'engagement du président.

Section 3.—Votes

a) Chaque Etat membre disposera de deux cent cinquante voix, plus une voix supplémentaire à raison de chaque part de capital détenue par lui.

b) A moins qu'il n'en soit autrement disposé d'une manière expresse, toutes les décisions de la Banque seront prises à la majorité des voix exprimées.

Section 4.—Administrateurs

a) Les administrateurs seront chargés de la conduite des opérations générales de la Banque et, à cette fin, exerceront tous les pouvoirs qui leur seront délégués par le Conseil des gouverneurs.

b) Les administrateurs, qui ne seront pas obligatoirement des gouverneurs, seront au nombre de douze, sur lesquels:

i) cinq seront nommés à raison d'un administrateur pour chacun des cinq Etats membres possédant le plus grand nombre de parts;

ii) sept seront élus, conformément aux dispositions de l'annexe B, par tous les gouverneurs autres que ceux nommés par les cinq Etats membres visés à l'alinéa i) ci-dessus.

Aux fins d'application du présent paragraphe, il faut entendre par "Etats membres" les gouvernements des pays énumérés à l'annexe A, qu'ils soient membres originaires ou qu'ils deviennent membres en vertu de l'article II, section 1 b). Lorsque les gouvernements d'autres pays deviendront membres, le Conseil des gouverneurs pourra, à la majorité des quatre cinquièmes du total des voix

of Directors by increasing the number of Directors to be elected.

Executive Directors shall be appointed or elected every two years.

(c) Each Executive Director shall appoint an alternate with full power to act for him when he is not present. When the Executive Directors appointing them are present, alternates may participate in meetings but shall not vote.

(d) Directors shall continue in office until their successors are appointed or elected. If the office of an elected director becomes vacant more than ninety days before the end of his term, another director shall be elected for the remainder of the term by the Governors who elected the former director. A majority of the votes cast shall be required for election. While the office remains vacant, the alternate of the former director shall exercise his powers, except that of appointing an alternate.

(e) The Executive Directors shall function in continuous session at the principal office of the Bank and shall meet as often as the business of the Bank may require.

(f) A quorum for any meeting of the Executive Directors shall be a majority of the Directors, exercising not less than one-half of the total voting power.

(g) Each appointed Director shall be entitled to cast the number of votes allotted under Section 3 of this Article to the member appointing him. Each elected Director shall be entitled to cast the number of votes which counted toward his election. All the votes which a Director is entitled to cast shall be cast as a unit.

(h) The Board of Governors shall adopt regulations under which a member not entitled to appoint a

attribuées, augmenter le nombre total des administrateurs, en augmentant le nombre des administrateurs à élire.

Les administrateurs seront nommés ou élus tous les deux ans.

c) Chaque administrateur nommera un suppléant qui, en son absence, aura pleins pouvoirs pour agir en son nom. Lorsque l'administrateur qui l'a nommé est présent, le suppléant peut prendre part aux débats mais ne dispose pas du droit de vote.

d) Les administrateurs resteront en fonctions tant que leurs successeurs n'auront pas été nommés ou élus. Si le poste d'un administrateur élu devient vacant plus de quatre-vingt-dix jours avant l'expiration du mandat de cet administrateur, un autre administrateur sera élu, pour la période du mandat restant à courir, par les gouverneurs ayant élu l'administrateur précédent. L'élection aura lieu à la majorité des voix exprimées. Pendant la vacance du poste, le suppléant de l'ancien administrateur exercera les pouvoirs de ce dernier, sauf celui de nommer un suppléant.

e) Les administrateurs se tiendront en session permanente au siège central de la Banque et se réuniront aussi souvent que l'exigeront les affaires de la Banque.

f) Le quorum de toute réunion des administrateurs sera constitué par une majorité des administrateurs ne représentant pas moins de la moitié du total des voix attribuées.

g) Chaque administrateur nommé disposera du nombre de voix qui ont été attribuées, en vertu de la section 3 du présent article, à l'Etat membre qui l'a nommé. Chaque administrateur élu disposera du nombre de voix ayant compté pour son élection. Toutes les voix dont dispose un administrateur seront utilisées en bloc.

h) Le Conseil des gouverneurs adoptera un règlement permettant à un Etat membre qui n'a pas le

Director under (b) above may send a representative to attend any meeting of the Executive Directors when a request made by, or a matter particularly affecting, that member is under consideration.

(i) The Executive Directors may appoint such committees as they deem advisable. Membership of such committees need not be limited to Governors or Directors or their alternates.

Section 5.—President and staff

(a) The Executive Directors shall select a President who shall not be a Governor or an Executive Director or an alternate for either. The President shall be Chairman of the Executive Directors, but shall have no vote except a deciding vote in case of an equal division. He may participate in meetings of the Board of Governors, but shall not vote at such meetings. The President shall cease to hold office when the Executive Directors so decide.

(b) The President shall be chief of the operating staff of the Bank and shall conduct, under the direction of the Executive Directors, the ordinary business of the Bank. Subject to the general control of the Executive Directors, he shall be responsible for the organization, appointment and dismissal of the officers and staff.

(c) The President, officers and staff of the Bank, in the discharge of their offices, owe their duty entirely to the Bank and to no other authority. Each member of the Bank shall respect the international character of this duty and shall refrain from all attempts to influence any of them in the discharge of their duties.

droit de nommer un administrateur aux termes du paragraphe b) ci-dessus d'envoyer un représentant qui assistera à toute réunion des administrateurs où sera examinée une demande présentée par cet Etat membre ou une question le concernant particulièrement.

i) Les administrateurs peuvent nommer tels comités qu'ils jugent utiles. La composition desdits comités n'est pas nécessairement limitée aux gouverneurs, aux administrateurs ou à leurs suppléants.

Section 5.—Président et personnel

a) Les administrateurs choisiront un président en dehors des gouverneurs, des administrateurs et des suppléants. Le président présidera les réunions des administrateurs, mais il n'aura pas le droit de vote, sauf en cas de partage égal des voix, auquel cas sa voix sera prépondérante. Il pourra participer aux séances du Conseil des gouverneurs, mais il n'aura pas le droit de vote. Le président cessera ses fonctions lorsque les administrateurs en décideront ainsi.

b) Le président sera le chef du personnel administratif de la Banque et dirigera, sous l'autorité des administrateurs, les affaires courantes de la Banque. Sous la direction générale des administrateurs, il sera chargé de l'organisation des services ainsi que de la nomination et de la révocation des fonctionnaires dirigeants et des membres du personnel de la Banque.

c) Dans l'exercice de leurs fonctions, le président, les fonctionnaires dirigeants et les membres du personnel de la Banque seront entièrement au service de la Banque, à l'exclusion de toute autre autorité. Chaque Etat membre de la Banque respectera le caractère international de cette obligation et s'abstiendra de toute tentative d'influence sur un membre quelconque du personnel dans l'exercice de ses fonctions.

(d) In appointing the officers and staff the President shall, subject to the paramount importance of securing the highest standards of efficiency and of technical competence, pay due regard to the importance of recruiting personnel on as wide a geographical basis as possible.

Section 6.—Advisory Council

(a) There shall be an Advisory Council of not less than seven persons selected by the Board of Governors including representatives of banking, commercial, industrial, labour, and agricultural interests, and with as wide a national representation as possible. In those fields where specialized international organizations exist, the members of the Council representative of those fields shall be selected in agreement with such organizations. The Council shall advise the Bank on matters of general policy. The Council shall meet annually and on such other occasions as the Bank may request.

(b) Councillors shall serve for two years and may be reappointed. They shall be paid their reasonable expenses incurred on behalf of the Bank.

Section 7.—Loan Committees

The committees required to report on loans under Article III, Section 4, shall be appointed by the Bank. Each such committee shall include an expert selected by the Governor representing the member in whose territories the project is located and one or more members of the technical staff of the Bank.

d) En procédant à la nomination des fonctionnaires dirigeants et des membres du personnel, le président devra dûment prendre en considération l'importance d'un recrutement effectué sur une base géographique aussi large que possible, en tenant compte qu'il est d'importance primordiale de s'assurer les services de personnes possédant les plus hautes qualités de travail et de compétence technique.

Section 6.—Conseil consultatif

a) Il sera constitué un conseil consultatif d'au moins sept personnes choisies par le Conseil des gouverneurs. Il comprendra des représentants des banques, du commerce, de l'industrie, du travail, de l'agriculture et les différentes nations y seront représentées sur une base aussi large que possible. Dans les secteurs où existent des organisations internationales spécialisées, les membres du Conseil représentant ces intérêts seront choisis en accord avec lesdites organisations. Le Conseil donnera des avis à la Banque sur sa politique générale. Il se réunira une fois chaque année et en outre toutes les fois que la Banque le demandera.

b) Les conseillers seront nommés pour une période de deux ans et pourront être nommés à nouveau. Ils auront droit au remboursement des dépenses raisonnables qu'ils auront encourues pour le compte de la Banque.

Section 7.—Comités des prêts

Les comités chargés de faire rapport sur les prêts en vertu de l'article III, section 4, seront nommés par la Banque. Chacun de ces comités comprendra un expert choisi par le gouverneur représentant l'Etat membre sur les territoires duquel le projet devra être réalisé ainsi qu'un ou plusieurs membres du personnel technique de la Banque.

Section 8.—Relationship to other international organizations

(a) The Bank, within the terms of this Agreement, shall co-operate with any general international organization and with public international organizations having specialized responsibilities in related fields. Any arrangements for such co-operation which would involve a modification of any provision of this Agreement may be effected only after amendment to this Agreement under Article VIII.

(b) In making decisions on applications for loans or guarantees relating to matters directly within the competence of any international organization of the types specified in the preceding paragraph and participated in primarily by members of the Bank, the Bank shall give consideration to the views and recommendations of such organization.

Section 9.—Location of offices

(a) The principal office of the Bank shall be located in the territory of the member holding the greatest number of shares.

(b) The Bank may establish agencies or branch offices in the territories of any member of the Bank.

Section 10.—Regional offices and councils

(a) The Bank may establish regional offices and determine the location of, and the areas to be covered by, each regional office.

(b) Each regional office shall be advised by a regional council representative of the entire area and selected in such manner as the Bank may decide.

Section 11.—Depositaries

(a) Each member shall designate its central bank as a depository for

Section 8.—Relations avec d'autres organisations internationales

a) La Banque collaborera, dans le cadre du présent accord, avec toute organisation internationale générale ainsi qu'avec les organisations internationales de droit public qui exercent des fonctions spécialisées dans des domaines connexes. Tout accord en vue d'une telle collaboration, qui impliquerait une modification d'une clause quelconque du présent accord, ne pourra être conclu que lorsque le présent accord aura fait l'objet d'un amendement, conformément aux dispositions de l'article VIII.

b) Lorsqu'elle statuera sur des demandes de prêts ou de garanties relatives à des questions qui relèvent directement de la compétence d'un organisme international appartenant à l'une des catégories visées au paragraphe précédent et où la participation des membres de la Banque est prépondérante, celle-ci prendra en considération l'opinion et les recommandations dudit organisme.

Section 9.—Emplacement des bureaux

a) Le siège central de la Banque sera situé sur le territoire de l'Etat membre possédant le plus grand nombre de parts.

b) La Banque pourra ouvrir des agences ou des succursales sur les territoires d'un membre quelconque de la Banque.

Section 10.—Bureaux et conseils régionaux

a) La Banque pourra créer des bureaux régionaux et déterminer l'emplacement et l'étendue du ressort de chaque bureau régional.

b) Chaque bureau régional recevra les avis d'un conseil régional, représentant toute l'étendue du ressort, et choisi de telle manière que la Banque pourra fixer.

Section 11.—Dépositaires

a) Chaque Etat désignera sa banque centrale comme dépositaire de tous

all the Bank's holdings of its currency or, if it has no central bank, it shall designate such other institution as may be acceptable to the Bank.

(b) The Bank may hold other assets, including gold, in depositories designated by the five members having the largest number of shares and in such other designated depositories as the Bank may select. Initially, at least one-half of the gold holdings of the Bank shall be held in the depository designated by the member in whose territory the Bank has its principal office, and at least forty per cent. shall be held in the depositories designated by the remaining four members referred to above, each of such depositories to hold, initially, not less than the amount of gold paid on the shares of the member designating it. However, all transfers of gold by the Bank shall be made with due regard to the costs of transport and anticipated requirements of the Bank. In an emergency the Executive Directors may transfer all or any part of the Bank's gold holdings to any place where they can be adequately protected.

Section 12.—Form of holdings of currency

The Bank shall accept from any member, in place of any part of the member's currency, paid in to the Bank under Article II, Section 7 (1), or to meet amortization payments on loans made with such currency, and not needed by the Bank in its operations, notes or similar obligations issued by the Government of the member or the depository designated by such member, which shall be non-negotiable, non-interest-bearing and payable at their par value on de-

les avoirs de la Banque en sa propre monnaie. S'il ne possède pas de banque centrale, il désignera une autre institution susceptible d'être agréée par la Banque.

b) La Banque pourra conserver les autres avoirs, y compris l'or, chez les dépositaires désignés par les cinq Etats membres possédant le plus grand nombre de parts et chez tels autres dépositaires désignés que la Banque pourra choisir. A l'origine, la moitié au moins des avoirs-or de la Banque sera placée chez le dépositaire désigné par l'Etat membre sur le territoire duquel est situé le siège central de la Banque, et 40 pour 100 au moins seront placés chez les dépositaires désignés par les quatre autres Etats membres visés ci-dessus, chacun de ces établissements devant détenir, à l'origine, une quantité d'or au moins égale à celle qui aura été remise à titre de paiement sur les parts de l'Etat membre ayant désigné ledit établissement dépositaire. Cependant, tous les transferts d'or auxquels procédera la Banque seront effectués en tenant dûment compte des frais de transport et des besoins probables de la Banque. Dans les circonstances graves, les administrateurs pourront transférer tout ou partie des avoirs-or de la Banque en tout endroit où leur protection pourra être convenablement assurée.

Section 12.—Forme des avoirs en monnaie

En remplacement de toute partie de la monnaie d'un Etat membre à verser à la Banque conformément à l'article II, section 7 1), ou pour amortir des prêts contractés dans ladite monnaie, et dont la Banque n'a pas besoin pour ses opérations, la Banque acceptera de cet Etat membre des bons ou engagements similaires émis par le gouvernement dudit Etat membre ou par le dépositaire désigné par lui. Ces bons ou engagements ne seront pas négociables,

mand by credit to the account of the Bank in the designated depository.

Section 13.—Publication of reports and provision of information

(a) The Bank shall publish an annual report containing an audited statement of its accounts and shall circulate to members at intervals of three months or less a summary statement of its financial position and a profit and loss statement showing the results of its operations.

(b) The Bank may publish such other reports as it deems desirable to carry out its purposes.

(c) Copies of all reports, statements and publications made under this section shall be distributed to members.

Section 14.—Allocation of net income

(a) The Board of Governors shall determine annually what part of the Bank's net income, after making provision for reserves, shall be allocated to surplus and what part, if any, shall be distributed.

(b) If any part is distributed, up to two per cent. non-cumulative shall be paid, as a first charge against the distribution for any year, to each member on the basis of the average amount of the loans outstanding during the year made under Article IV, Section 1 (a) (1), out of currency corresponding to its subscription. If two per cent. is paid as a first charge, any balance remaining to be distributed shall be paid to all members in proportion to their shares. Payments to each member shall be made in its own currency, or, if that currency is not available, in other currency acceptable to the member. If such payments are made in curren-

ne porteront pas intérêt et seront payables à vue, à leur valeur nominale, par inscription au crédit du compte ouvert à la Banque auprès du dépositaire désigné.

Section 13.—Publication de rapports et communication d'informations

a) La Banque publiera un rapport annuel contenant un état dûment vérifié de ses comptes et distribuera aux Etats membres tous les trois mois, ou à des dates plus rapprochées, un relevé sommaire de sa situation financière et un compte profits et pertes faisant ressortir les résultats de ses opérations.

b) La Banque pourra publier tels autres rapports qu'elle jugera utiles à l'accomplissement de sa mission.

c) Des copies de tous les rapports, relevés et publications effectués conformément aux dispositions de la présente section seront adressées aux Etats membres.

Section 14.—Répartition du revenu net

a) Le Conseil des gouverneurs déterminera chaque année la part du revenu net de la Banque qui, après déduction des sommes à affecter aux réserves, sera inscrite à l'actif net, et la part qui sera, s'il y a lieu, distribuée.

b) Au cas de distribution d'une part quelconque, il sera versé à chaque Etat membre, dans la monnaie correspondant à sa souscription, un montant non cumulatif pouvant aller jusqu'à 2 pour 100, par priorité sur toute répartition au titre d'une année quelconque; ce montant sera calculé d'après la moyenne pendant l'année du total des prêts non remboursés consentis en vertu de l'article IV, section 1 a) 1). Lorsque 2 pour 100 auront été versés à titre du versement prioritaire, tout solde restant à distribuer sera réparti entre tous les Etats membres au prorata du nombre de leurs parts. Les paiements seront

cies other than the member's own currency, the transfer of the currency and its use by the receiving member after payment shall be without restriction by the members.

faits à chaque Etat membre dans sa propre monnaie ou, à défaut de disponibilités dans ladite monnaie, dans toute autre monnaie agréée par lui. En cas de paiement effectué dans des monnaies autres que la propre monnaie de l'Etat membre, les Etats membres ne pourront appliquer aucune mesure restrictive au transfert et à l'utilisation, après paiement, de ladite monnaie par l'Etat membre bénéficiaire.

ARTICLE VI

WITHDRAWAL AND SUSPENSION OF MEMBERSHIP: SUSPENSION OF OPERATIONS

Section 1.—Right of members to withdraw

Any member may withdraw from the Bank at any time by transmitting a notice in writing to the Bank at its principal office. Withdrawal shall become effective on the date such notice is received.

Section 2.—Suspension of membership

If a member fails to fulfil any of its obligations to the Bank, the Bank may suspend its membership by decision of a majority of the Governors, exercising a majority of the total voting power. The member so suspended shall automatically cease to be a member one year from the date of its suspension unless a decision is taken by the same majority to restore the member to good standing.

While under suspension, a member shall not be entitled to exercise any rights under this Agreement, except the right of withdrawal, but shall remain subject to all obligations.

ARTICLE VI

RETRAIT ET SUSPENSION DES ETATS MEMBRES. SUSPENSION DES OPERATIONS

Section 1.—Droit de retrait des Etats membres

Tout Etat membre pourra se retirer de la Banque à tout moment, en notifiant par écrit sa décision à la Banque, au siège central. Le retrait prendra effet à la date de réception de la notification.

Section 2.—Suspension d'un Etat membre

Si un Etat membre manque à l'une de ses obligations envers la Banque, celle-ci pourra prononcer sa suspension par une décision prise par la majorité des gouverneurs, possédant la majorité du total des voix attribuées. L'Etat membre ainsi frappé de suspension perdra automatiquement sa qualité d'Etat membre un an après la date de la décision de suspension, à moins que ne soit prise, dans les mêmes conditions de majorité, une décision lui rendant la plénitude de ses droits en qualité de membre.

Un Etat membre frappé de suspension ne sera pas admis, tant que la mesure de suspension sera en vigueur, à exercer l'un quelconque des droits résultant du présent accord, à l'exception du droit de donner sa démission, mais il restera astreint à toutes les obligations qui incombent aux Etats membres.

*Section 3.—Cessation of membership
in International Monetary Fund*

Any member which ceases to be a member of the International Monetary Fund shall automatically cease after three months to be a member of the Bank unless the Bank by three-fourths of the total voting power has agreed to allow it to remain a member.

*Section 4.—Settlements of accounts
with governments ceasing to be
members*

(a) When a government ceases to be a member, it shall remain liable for its direct obligations to the Bank and for its contingent liabilities to the Bank so long as any part of the loans or guarantees contracted before it ceased to be a member are outstanding; but it shall cease to incur liabilities with respect to loans and guarantees entered into thereafter by the Bank and to share either in the income or the expenses of the Bank.

(b) At the time a government ceases to be a member, the Bank shall arrange for the repurchase of its shares as a part of the settlement of accounts with such government in accordance with the provisions of paragraphs (c) and (d) below. For this purpose the repurchase price of the shares shall be the value shown by the books of the Bank on the day the government ceases to be a member.

(c) The payment for shares repurchased by the Bank under this section shall be governed by the following conditions:

*Section 3.—Perte de la qualité de
membre du Fonds monétaire inter-
national*

Tout Etat membre qui cessera d'être membre du Fonds monétaire international cessera automatiquement, trois mois plus tard, d'être membre de la Banque, à moins que celle-ci n'ait décidé, par un vote à la majorité des trois quarts du total des voix attribuées, de l'autoriser à rester membre.

*Section 4.—Règlement des comptes
avec les gouvernements qui cessent
d'être membres*

a) Lorsqu'un gouvernement cessera d'être membre de la Banque, il ne sera pas délié de sa responsabilité au titre de ses obligations directes envers la Banque et de ses dettes éventuelles envers elle, tant qu'une partie quelconque des prêts obtenus par lui avant qu'il n'ait cessé d'être membre n'aura pas été remboursée ou qu'une partie quelconque des garanties obtenues par lui avant qu'il ait cessé d'être membre restera en vigueur; toutefois ce gouvernement cessera d'assumer des responsabilités à raison des prêts et garanties accordés par la Banque après qu'il se sera retiré et cessera de participer tant aux revenus qu'aux dépenses de la Banque.

b) Au moment où un gouvernement cessera d'être membre, la Banque prendra les dispositions voulues pour racheter ses parts, à titre de règlement partiel des comptes avec ce gouvernement, conformément aux dispositions des paragraphes c) et d) ci-dessous. A cet effet le prix de rachat des parts sera fixé à la valeur ressortant de la situation comptable de la Banque le jour où le gouvernement en question cessera d'être membre.

c) Le paiement des parts rachetées par la Banque en application des dispositions de la présente section devra s'effectuer dans les conditions suivantes:

(I) Any amount due to the government for its share shall be withheld so long as the government, its central bank or any of its agencies remains liable, as borrower or guarantor, to the Bank and such amounts may at the option of the Bank, be applied on any such liability as it matures. No amount shall be withheld on account of the liability of the government resulting from its subscription for shares under Article II, Section 5 (II). In any event, no amount due to a member for its shares shall be paid until six months after the date upon which the government ceases to be a member.

(II) Payments for shares may be made from time to time, upon their surrender by the government, to the extent by which the amount due as the repurchase price in (b) above exceeds the aggregate of liabilities on loans and guarantees in (c) (I) above until the former member has received the full repurchase price.

(III) Payments shall be made in the currency of the country receiving payment or at the option of the Bank in gold.

(IV) If losses are sustained by the Bank on any guarantees, participations in loans, or loans which were outstanding on the date when the government ceased to be a member, and the amount of such losses exceeds the amount of the reserve provided against losses on the date when the government ceased to be a member, such government shall be obligated to repay upon demand the amount by which the repurchase

1) Toute somme due à un gouvernement au titre du rachat de ses parts sera retenue par la Banque aussi longtemps que ce gouvernement, sa banque centrale ou l'un de ses organismes demeureront liés par des obligations quelconques envers la Banque en qualité d'emprunteur ou de garant et la Banque aura la faculté d'affecter ladite somme à l'exécution de l'une quelconque desdites obligations lorsqu'elle deviendra exigible. Aucune somme ne pourra être retenue pour garantir l'exécution des obligations qui incombent à un gouvernement en vertu de l'article II, section 5 II) du fait qu'il a souscrit des parts. En aucun cas une somme due à un Etat membre pour ses parts ne lui sera versée avant l'expiration d'un délai de six mois à dater du jour où il cessera d'être membre.

II) Tant que l'ancien Etat membre n'aura pas reçu la totalité du prix de rachat, il pourra être effectué, de temps à autre, des versements sur le prix des parts après remise de celles-ci par le gouvernement intéressé, le montant desdits paiements ne devant pas dépasser la somme correspondant au prix de rachat tel qu'il est défini au paragraphe b) ci-dessus diminué de l'ensemble des obligations résultant de prêts et de garanties, telles qu'elles sont définies au paragraphe c) 1) ci-dessus.

III) Les paiements seront effectués dans la monnaie du pays bénéficiaire ou, au choix de la Banque, en or.

IV) Si la Banque subit des pertes à raison de garanties, de participations à des prêts, ou de prêts existant à la date à laquelle le gouvernement a cessé d'être membre, et si à la même date le montant desdites pertes dépasse celui de la réserve prévue pour faire face aux pertes, ce gouvernement sera tenu de rembourser, lorsqu'il en sera requis, une somme égale à celle dont aurait été diminué le prix de rachat de ses

price of its shares would have been reduced, if the losses had been taken into account when the repurchase price was determined. In addition, the former member government shall remain liable on any call for unpaid subscriptions under Article II, Section 5 (II) to the extent that it would have been required to respond if the impairment of capital had occurred and the call had been made at the time the repurchase price of its shares was determined.

(d) If the Bank suspends permanently its operations under Section 5 (b) of this Article, within six months of the date upon which any government ceases to be a member, all rights of such government shall be determined by the provisions of Section 5 of this Article.

Section 5.—Suspension of operations and settlement of obligations

(a) In an emergency the Executive Directors may suspend temporarily operations in respect of new loans and guarantees pending an opportunity for further consideration and action by the Board of Governors.

(b) The Bank may suspend permanently its operations in respect of new loans and guarantees by vote of a majority of the Governors, exercising a majority of the total voting power. After such suspension of operations the Bank shall forthwith cease all activities, except those incidental to the orderly realization, conservation, and preservation of its assets and settlement of its obligations.

(c) The liability of all members for uncalled subscriptions to the capital stock of the Bank and in

parts s'il avait été tenu compte desdites pertes au moment de la détermination du prix de rachat. En outre, le gouvernement qui a cessé d'être membre restera encore tenu de ses obligations s'il se produit, relativement aux souscriptions non payées, un appel quelconque de fonds ainsi qu'il est prévu par l'article II, section 5 (II), dans la mesure où il aurait été tenu d'effectuer les versements requis si la perte de capital s'était produite et si l'appel avait été fait au moment de la détermination du prix de rachat de ses parts.

d) Si, dans les six mois qui suivent la date à laquelle un gouvernement cesse d'être membre, la Banque suspend ses opérations d'une manière permanente ainsi qu'il est prévu à la section 5 b) du présent article, tous les droits dudit gouvernement seront déterminés par les dispositions de la section 5 du présent article.

Section 5.—Suspension des opérations et règlement des obligations

a) Au cas de circonstances exceptionnelles, les administrateurs pourront suspendre temporairement les opérations relatives à de nouveaux prêts et à de nouvelles garanties en attendant que le conseil des gouverneurs puisse en délibérer et en décider.

b) La Banque pourra suspendre, d'une façon permanente, ses opérations relatives à de nouveaux prêts et à de nouvelles garanties par une décision prise à la majorité des gouverneurs possédant la majorité du total des voix attribuées. Après une telle suspension des opérations, la Banque cessera immédiatement toute forme d'activité, sauf en ce qui concerne la conservation et la sauvegarde ordonnées de son actif ainsi que le règlement de ses obligations.

c) La responsabilité de tous les Etats membres en ce qui concerne les souscriptions non libérées du

respect of the depreciation of their own currencies shall continue until all claims of creditors, including all contingent claims, shall have been discharged.

(d) All creditors holding direct claims shall be paid out of the assets of the Bank, and then out of payments to the Bank on calls on unpaid subscriptions. Before making any payments to creditors holding direct claims, the Executive Directors shall make such arrangements as are necessary, in their judgment, to insure a distribution to holders of contingent claims ratably with creditors holding direct claims.

(e) No distribution shall be made to members on account of their subscriptions to the capital stock of the Bank until

(i) all liabilities to creditors have been discharged or provided for, and

(ii) a majority of the Governors, exercising a majority of the total voting power, have decided to make a distribution.

(f) After a decision to make a distribution has been taken under (e) above, the Executive Directors may by a two-thirds majority vote make successive distributions of the assets of the Bank to members until all of the assets have been distributed. This distribution shall be subject to the prior settlement of all outstanding claims of the Bank against each member.

(g) Before any distribution of assets is made, the Executive Directors shall fix the proportionate share of each member according to the

capital social de la Banque et celle qui résulte de la dépréciation de leurs propres monnaies ne prendront fin que lorsque les créanciers auront été désintéressés pour toutes leurs créances, y compris toutes les créances éventuelles.

d) Tous les créanciers titulaires de créances directes seront payés sur l'actif de la Banque et ensuite au moyen de sommes prélevées sur les versements effectués à la Banque à la suite d'appels sur les souscriptions non libérées. Avant d'effectuer aucun paiement à des créanciers titulaires de créances directes, les administrateurs prendront toutes les dispositions qui leur sembleront nécessaires pour garantir que des titulaires de créances conditionnelles participeront à la répartition suivant les mêmes proportions que les créanciers titulaires de créances directes.

e) Aucune répartition ne sera faite aux Etats membres à raison de leurs souscriptions au capital social de la Banque tant que:

i) toutes les obligations envers les créanciers n'aient pas été réglées ou que les dispositions requises en ce qui concerne lesdites obligations n'aient pas été prises;

ii) la majorité des gouverneurs possédant la majorité du total des voix attribuées n'ait pas décidé de procéder à une répartition.

f) Lorsqu'une décision d'effectuer une répartition aura été prise dans les conditions fixées au paragraphe e) ci-dessus, les administrateurs pourront, par un vote à la majorité des deux tiers, procéder à des répartitions successives de l'actif de la Banque entre les Etats membres, jusqu'à ce que tout l'actif ait été réparti. Cette répartition ne pourra intervenir qu'après le règlement de toutes les créances en cours de la Banque sur chaque Etat membre.

g) Avant toute répartition de l'actif, les administrateurs détermineront la part qui revient à chaque Etat membre d'après le rap-

ratio of its shareholding to the total outstanding shares of the Bank.

(h) The Executive Directors shall value the assets to be distributed as at the date of distribution and then proceed to distribute in the following manner:

(I) There shall be paid to each member in its own obligations or those of its official agencies or legal entities within its territories, in so far as they are available for distribution, an amount equivalent in value to its proportionate share of the total amount to be distributed.

(II) Any balance due to a member after payment has been made under (I) above shall be paid, in its own currency, in so far as it is held by the Bank, up to an amount equivalent in value to such balance.

(III) Any balance due to a member after payment has been made under (I) and (II) above shall be paid, in gold or currency acceptable to the member, in so far as they are held by the Bank, up to an amount equivalent in value to such balance.

(IV) Any remaining assets held by the Bank after payments have been made to members under (I), (II), and (III) above shall be distributed *pro rata* among the members.

(i) Any member receiving assets distributed by the Bank in accordance with (h) above, shall enjoy the same rights with respect to such assets as the Bank enjoyed prior to their distribution.

port qui existe entre le nombre des parts détenues par ledit Etat membre et le total des parts non remboursées de la Banque.

h) Les administrateurs détermineront quelle était, à la date de la répartition, la valeur des éléments de l'actif à répartir. Ils procéderont ensuite à cette répartition selon les modalités suivantes:

i) Dans la mesure où des titres d'obligations d'un Etat membre, de ses organismes officiels ou de personnes morales situées sur ses territoires, seront disponibles aux fins de répartition, il en sera fait remise à chaque Etat membre pour une valeur égale à celle que représente la partie du total à répartir qui revient audit Etat.

II) Tout solde restant dû à un Etat membre après qu'aura été effectué le paiement prévu à l'alinéa i) ci-dessus sera, dans la mesure où la Banque détiendra de la monnaie dudit Etat, versé à cet Etat dans sa propre monnaie jusqu'à concurrence d'un montant d'une valeur égale à celle de ce solde.

III) Tout solde restant dû à un Etat membre après qu'auront été effectués les paiements prévus aux alinéas i) et II) ci-dessus sera, dans la mesure où la Banque détiendra de l'or ou de la monnaie acceptable par ledit Etat, versé en or ou dans ladite monnaie à cet Etat membre, jusqu'à concurrence d'un montant d'une valeur égale à celle de ce solde.

IV) Tous les autres éléments d'actif que détiendra encore la Banque après qu'auront été effectués aux Etats membres les paiements prévus aux alinéas i), II) et III) ci-dessus seront répartis au prorata entre lesdits Etats membres.

i) Tout Etat membre qui reçoit certains éléments de l'actif réparti par la Banque conformément aux dispositions du paragraphe h) ci-dessus sera subrogé dans tous les droits dévolus à la Banque sur ces éléments avant leur répartition.

ARTICLE VII

STATUS, IMMUNITIES AND PRIVILEGES

Section 1.—Purpose of Article

To enable the Bank to fulfil the functions with which it is entrusted, the status, immunities and privileges set forth in this Article shall be accorded to the Bank in the territories of each member.

Section 2.—Status of the Bank

The Bank shall possess full juridical personality, and, in particular, the capacity:

- (I) to contract;
- (II) to acquire and dispose of immovable and movable property;
- (III) to institute legal proceedings.

Section 3.—Position of the Bank with regard to judicial process

Actions may be brought against the Bank only in a court of competent jurisdiction in the territories of a member in which the Bank has an office, has appointed an agent for the purpose of accepting service or notice of process, or has issued or guaranteed securities. No actions shall, however, be brought by members or persons acting for or deriving claims from members. The property and assets of the Bank shall, wherever located and by whomsoever held, be immune from all forms of seizure, attachment or execution before the delivery of final judgment against the Bank.

Section 4.—Immunity of assets from seizure

Property and assets of the Bank, wherever located and by whomsoever

ARTICLE VII

STATUT, IMMUNITÉS ET PRIVILÈGES

Section 1.—Objet du présent article

Pour mettre la Banque en mesure de remplir les fonctions qui lui sont confiées, le statut, les immunités et privilèges définis dans le présent article seront accordés à la Banque dans les territoires de chaque Etat membre.

Section 2.—Statut de la Banque

La Banque possèdera la pleine personnalité juridique et, en particulier, la capacité:

- I) de contracter;
- II) d'acquérir et de disposer des biens meubles et immeubles;
- III) d'ester en justice.

Section 3.—Situation de la Banque en ce qui concerne les actions en justice

Il ne pourra être intenté d'action en justice contre la Banque que devant un tribunal dont la compétence s'étend aux territoires d'un Etat membre dans lesquels elle possède un bureau ou dans lesquels elle a nommé un agent aux fins de recevoir les assignations ou significations d'ordre judiciaire ou dans lesquels elle a émis ou garanti des valeurs. Toutefois, aucune action en justice ne pourra être intentée par des Etats membres ou par des personnes agissant pour le compte desdits Etats ou faisant valoir des droits qu'ils tiennent de ceux-ci. Les biens et avoirs de la Banque, en quelque lieu qu'ils se trouvent et quels qu'en soient les détenteurs, bénéficieront d'une immunité en ce qui concerne toute forme de saisie-exécution, saisie-arrêt ou mesure d'exécution tant qu'une décision non susceptible de recours n'aura pas été rendue contre la Banque.

Section 4.—Insaisissabilité des avoirs

Les biens et avoirs de la Banque, en quelque lieu qu'ils se trouvent et

held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Section 5.—Immunity of archives

The archives of the Bank shall be inviolable.

Section 6.—Freedom of assets from restrictions

To the extent necessary to carry out the operations provided for in this Agreement and subject to the provisions of this Agreement, all property and assets of the Bank shall be free from restrictions, regulations, controls and moratoria of any nature.

Section 7.—Privilege for communications

The official communications of the Bank shall be accorded by each member the same treatment that it accords to the official communications of other members.

Section 8.—Immunities and privileges of officers and employees

All governors, executive directors, alternates, officers and employees of the Bank

(I) shall be immune from legal process with respect to acts performed by them in their official capacity except when the Bank waives this immunity;

(II) not being local nationals, shall be accorded the same immunities from immigration restrictions, alien registration requirements and national service obligations and the same facilities as regards exchange restrictions as are accorded by members to the representatives, officials, and employees of comparable rank of other members;

quels qu'en soient les détenteurs, seront exempts de perquisition, réquisition, confiscation, expropriation ou toute autre forme de saisie de la part du pouvoir exécutif ou du pouvoir législatif.

Section 5.—Inviolabilité des archives

Les archives de la Banque seront inviolables.

Section 6.—Immunité des avoirs à l'égard des mesures restrictives

Dans la mesure nécessaire à l'accomplissement des opérations prévues dans le présent accord et sous réserve des dispositions dudit accord, tous les biens et avoirs de la Banque seront exempts de restrictions, réglementations, contrôles et moratoires de toute nature.

Section 7.—Privilège en matière de communications

Les communications officielles de la Banque seront traitées par tout Etat membre de la même manière que les communications officielles émanant des autres Etats membres.

Section 8.—Immunités et privilèges des fonctionnaires et employés

Tous les gouverneurs, administrateurs, suppléants, fonctionnaires et employés de la Banque:

I) ne pourront faire l'objet de poursuites à raison des actes accomplis par eux dans l'exercice de leurs fonctions, sauf lorsque la Banque aura levé cette immunité;

II) jouiront, s'ils ne sont pas des ressortissants de l'Etat où ils exercent leurs fonctions, des mêmes immunités, en matière de mesures restrictives relatives à l'immigration, de formalités d'enregistrement des étrangers et d'obligations de service national, ainsi que des mêmes facilités, en ce qui concerne les restrictions de change, que celles que les Etats membres accordent aux représentants, fonctionnaires et employés de rang comparable des autres Etats membres;

(III) shall be granted the same treatment in respect of travelling facilities as is accorded by members to representatives, officials and employees of comparable rank of other members.

Section 9.—Immunities from taxation

(a) The Bank, its assets, property, income and its operations and transactions authorized by this Agreement, shall be immune from all taxation and from all customs duties. The Bank shall also be immune from liability for the collection or payment of any tax or duty.

(b) No tax shall be levied on or in respect of salaries and emoluments paid by the Bank to executive directors, alternates, officials or employees of the Bank who are not local citizens, local subjects, or other local nationals.

(c) No taxation of any kind shall be levied on any obligation or security issued by the Bank (including any dividend or interest thereon) by whomsoever held—

(I) which discriminates against such obligation or security solely because it is issued by the Bank; or

(II) if the sole jurisdictional basis for such taxation is the place or currency in which it is issued, made payable or paid, or the location of any office or place of business maintained by the Bank.

(d) No taxation of any kind shall be levied on any obligation or security guaranteed by the Bank (including any dividend or interest thereon) by whomsoever held—

(I) which discriminates against such obligation or security solely because it is guaranteed by the Bank; or

III) jouiront, pour leurs déplacements, des mêmes facilités que celles que les Etats membres accordent aux représentants, fonctionnaires et employés de rang comparable d'autres Etats membres.

Section 9.—Immunités relatives aux charges fiscales

a) La Banque, ses avoirs, biens, revenus, ainsi que ses opérations et transactions autorisées par le présent accord, seront exonérés de tous impôts et de tous droits de douane. La Banque sera également exemptée de toute obligation relative au recouvrement ou au paiement d'un impôt ou droit quelconque.

b) Aucun impôt ne sera perçu sur les traitements et émoluments versés par la Banque aux administrateurs, suppléants, fonctionnaires ou employés de la Banque, qui ne sont pas citoyens, sujets ou ressortissants à un autre titre du pays où ils exercent leurs fonctions.

c) Aucun impôt, de quelque nature que ce soit, ne sera perçu sur les obligations ou les valeurs émises par la Banque, y compris les dividendes ou intérêts qui en proviennent, quel que soit le détenteur de ces titres:

i) si cet impôt a, à l'égard de ces obligations ou valeurs, un caractère discriminatoire basé exclusivement sur leur origine;

II) ou si cet impôt a pour seule base juridique le lieu ou la monnaie d'émission, le lieu ou la monnaie de règlement prévu ou effectif, ou l'emplacement d'un bureau ou centre d'opérations de la Banque.

d) Aucun impôt, de quelque nature que ce soit, ne sera perçu sur les obligations ou les valeurs garanties par la Banque, y compris les dividendes ou intérêts qui en proviennent, quel que soit le détenteur de ces titres:

i) si cet impôt a, à l'égard de ces obligations ou valeurs, un caractère discriminatoire basé exclusivement sur l'octroi de la garantie de la Banque;

(II) if the sole jurisdictional basis for such taxation is the location of any office or place of business maintained by the Bank.

Section 10.—Application of Article

Each member shall take such action as is necessary in its own territories for the purpose of making effective in terms of its own law the principles set forth in this Article and shall inform the Bank of the detailed action which it has taken.

ARTICLE VIII
AMENDMENTS

(a) Any proposal to introduce modifications in this Agreement, whether emanating from a member, a Governor or the Executive Directors, shall be communicated to the Chairman of the Board of Governors who shall bring the proposal before the Board. If the proposed amendment is approved by the Board, the Bank shall, by circular letter or telegram, ask all members whether they accept the proposed amendment. When three-fifths of the members, having four-fifths of the total voting power, have accepted the proposed amendment, the Bank shall certify the fact by a formal communication addressed to all members.

(b) Notwithstanding (a) above, acceptance by all members is required in the case of any amendment modifying (i) the right to withdraw from the Bank provided in Article VI, Section 1; (II) the right secured by Article II, Section 3 (c); (III) the limitation on liability provided in Article II, Section 6.

(c) Amendments shall enter into force for all members three months after the date of the formal communication unless a shorter period is specified in the circular letter or telegram.

II) ou si un tel impôt a pour seule base juridique l'emplacement d'un bureau ou centre d'opérations de la Banque.

Section 10.—Application du présent article

Chaque Etat membre prendra, dans ses propres territoires, toutes les mesures nécessaires en vue d'appliquer, dans sa propre législation, les principes énoncés dans le présent article et il informera la Banque du détail des mesures qu'il aura prises.

ARTICLE VIII
AMENDEMENTS

a) Toute proposition tendant à apporter des modifications au présent accord, qu'elle émane d'un Etat membre, d'un gouverneur ou des administrateurs, sera communiquée au président du Conseil des gouverneurs qui la soumettra audit conseil. Si l'amendement proposé est approuvé par le Conseil, la Banque demandera à tous les Etats membres par lettre ou télégramme circulaire s'ils acceptent l'amendement proposé. Si les trois cinquièmes des Etats membres, disposant des quatre cinquièmes du total des voix attribuées, acceptent le texte de l'amendement proposé, la Banque confirmera ce fait par communication officielle adressée à tous les Etats membres.

b) Nonobstant les dispositions du paragraphe a) ci-dessus, l'acceptation par tous les Etats membres est requise dans le cas de tout amendement portant modification: I) du droit de se retirer de la Banque, prévu par l'article VI, section 1; II) du droit garanti par l'article II, section 3 c); III) de la limitation de responsabilité prévue à l'article II, section 6.

c) Les amendements entreront en vigueur pour tous les Etats membres trois mois après la date de la communication officielle, à moins qu'un délai plus court ne soit fixé dans la lettre ou le télégramme circulaire.

ARTICLE IX
INTERPRETATION

(a) Any question of interpretation of the provision of this Agreement arising between any member and the Bank or between any members of the Bank shall be submitted to the Executive Directors for their decision. If the question particularly affects any member not entitled to appoint an executive director, it shall be entitled to representation in accordance with Article V, Section 4 (h).

(b) In any case where the Executive Directors have given a decision under (a) above, any member may require that the question be referred to the Board of Governors, whose decision shall be final. Pending the result of the reference to the Board, the Bank may so far as it deems necessary, act on the basis of the decision of the Executive Directors.

(c) Whenever a disagreement arises between the Bank and a country which has ceased to be a member, or between the Bank and any member during the permanent suspension of the Bank, such disagreement shall be submitted to arbitration by a tribunal of three arbitrators, one appointed by the Bank, another by the country involved and an umpire who, unless the parties otherwise agree, shall be appointed by the President of the Permanent Court of International Justice or such other authority as may have been prescribed by regulation adopted by the Bank. The umpire shall have full power to settle all questions of procedure in any case where the parties are in disagreement with respect thereto.

ARTICLE X
APPROVAL DEEMED GIVEN

Whenever the approval of any member is required before any act

ARTICLE IX
INTERPRÉTATION

a) Tout problème d'interprétation des dispositions du présent accord qui surgirait entre un Etat membre et la Banque ou entre des Etats membres sera soumis à la décision des administrateurs. Si le problème concerne particulièrement un Etat membre qui n'a pas le droit de nommer un administrateur, cet Etat membre aura le droit de se faire représenter conformément à l'article V, section 4 h).

b) Lorsque les administrateurs auront rendu une décision dans les conditions prévues au paragraphe a) ci-dessus, tout Etat membre pourra demander que la question soit portée devant le Conseil des gouverneurs dont la décision sera sans appel. En attendant que le Conseil ait statué, la Banque pourra, dans la mesure où elle l'estimera nécessaire, agir conformément à la décision des administrateurs.

c) Chaque fois qu'un désaccord surgira entre la Banque et un pays qui a cessé d'être membre ou entre la Banque et un Etat membre au cours de la suspension permanente des opérations de la Banque, ce désaccord sera soumis à l'arbitrage d'un tribunal de trois membres, comprenant un arbitre nommé par la Banque, un arbitre désigné par le pays intéressé et un sur-arbitre qui, à moins que les parties n'en conviennent autrement, sera nommé par le président de la Cour permanente de Justice internationale ou par telle autre autorité désignée par la réglementation adoptée par la Banque. Le sur-arbitre aura pleins pouvoirs pour régler toutes les questions de procédure dans tous les cas où les parties seront en désaccord à leur sujet.

ARTICLE X
APPROBATION TACITE

Toutes les fois que l'assentiment d'un Etat membre sera nécessaire

may be done by the Bank, except in Article VIII, approval shall be deemed to have been given unless the member presents an objection within such reasonable period as the Bank may fix in notifying the member of the proposed act.

ARTICLE XI

FINAL PROVISIONS

Section 1.—Entry into force

This Agreement shall enter into force when it has been signed on behalf of governments whose minimum subscriptions comprise not less than 65 per cent. of the total subscriptions set forth in Schedule A and when the instruments referred to in Section 2 (a) of this Article have been deposited on their behalf, but in no event shall this Agreement enter into force before May 1, 1945.

Section 2.—Signature

(a) Each government on whose behalf this Agreement is signed shall deposit with the Government of the United States of America an instrument setting forth that it has accepted this Agreement in accordance with its law and has taken all steps necessary to enable it to carry out all of its obligations under this Agreement.

(b) Each government shall become a member of the Bank as from the date of the deposit on its behalf of the instrument referred to in (a) above, except that no government shall become a member before this Agreement enters into force under Section 1 of this Article.

(c) The Government of the United States of America shall inform the governments of all countries whose names are set forth in Schedule A, and all governments whose mem-

pour que la Banque puisse accomplir un acte quelconque, cet assentiment sera, sauf dans le cas visé à l'article VIII, considéré comme ayant été accordé, à moins que ledit Etat membre ne présente des objections dans un délai raisonnable que la Banque aura la faculté de fixer lorsqu'elle informera l'Etat membre intéressé de l'acte envisagé.

ARTICLE XI

DISPOSITIONS FINALES

Section 1.—Entrée en vigueur

Le présent accord entrera en vigueur lorsqu'il aura été signé au nom de gouvernements dont les souscriptions minima ne représentent pas moins de 65 pour 100 du total des souscriptions énumérées à l'annexe A et que les instruments dont il est fait mention à la section 2 a) du présent article auront été déposés en leur nom; toutefois, en aucun cas, le présent accord n'entrera en vigueur avant le 1^{er} mai 1945.

Section 2.—Signature

a) Chaque gouvernement au nom duquel le présent accord sera signé déposera auprès du Gouvernement des Etats-Unis d'Amérique un instrument établissant qu'il a accepté le présent accord en conformité de ses lois et qu'il a pris toutes les mesures nécessaires pour être en état d'exécuter toutes les obligations découlant du présent accord.

b) Chaque gouvernement deviendra membre de la Banque à compter de la date où sera déposé en son nom l'instrument visé au paragraphe a) ci-dessus, sous réserve qu'aucun gouvernement ne pourra devenir membre avant que le présent accord n'entre pas en vigueur aux termes de la section 1 du présent article.

c) Le Gouvernement des Etats-Unis d'Amérique informera les gouvernements de tous les Etats dont le nom figure à l'annexe A et tous les gouvernements dont l'adhésion sera

bership is approved in accordance with Article II, Section 1 (b), of all signatures of this Agreement and of the deposit of all instruments referred to in (a) above.

(d) At the time this Agreement is signed on its behalf, each government shall transmit to the Government of the United States of America one one-hundredth of one per cent. of the price of each share in gold or United States dollars for the purpose of meeting administrative expenses of the Bank. This payment shall be credited on account of the payment to be made in accordance with Article II, Section 8 (a). The Government of the United States of America shall hold such funds in a special deposit account and shall transmit them to the Board of Governors of the Bank when the initial meeting has been called under Section 3 of this Article. If this Agreement has not come into force by December 31, 1945, the Government of the United States of America shall return such funds to the governments that transmitted them.

(e) This Agreement shall remain open for signature at Washington on behalf of the governments of the countries whose names are set forth in Schedule A until December 31, 1945.

(f) After December 31, 1945, this Agreement shall be open for signature on behalf of the government of any country whose membership has been approved in accordance with Article II, Section 1 (b).

(g) By their signature of this Agreement, all governments accept it both on their own behalf and in respect of all their colonies, overseas territories, all territories under their protection, suzerainty, or authority and all territories in respect of which they exercise a mandate.

agréée conformément aux dispositions de l'article II, section 1 b), de toutes les signatures recueillies par le présent accord et du dépôt de tous les instruments visés au paragraphe a) ci-dessus.

d) Au moment où le présent accord sera signé en son nom, chaque Gouvernement fera parvenir au Gouvernement des Etats-Unis d'Amérique 0,01 pour 100 du prix de chaque part en or ou en dollars des Etats-Unis à titre de contribution aux frais d'administration de la Banque. Ce versement constituera un acompte sur le paiement qui doit être effectué conformément aux dispositions de l'article II, section 8 a). Le Gouvernement des Etats-Unis d'Amérique conservera ces fonds dans un compte spécial de dépôt et les transmettra au Conseil des gouverneurs de la Banque lorsque la première réunion aura été convoquée aux termes de la section 3 du présent article. Si le présent accord n'est pas encore entré en vigueur au 31 décembre 1945, le Gouvernement des Etats-Unis d'Amérique fera retour desdits fonds aux gouvernements qui les auront fait parvenir.

e) Le présent accord demeurera, jusqu'au 31 décembre 1945, ouvert à la signature, à Washington, des représentants des gouvernements des pays dont les noms figurent à l'annexe A.

f) Après le 31 décembre 1945, le présent accord sera ouvert à la signature des représentants des gouvernements de tous les pays dont l'adhésion aura été agréée conformément aux dispositions de l'article II, section 1 b).

g) En apposant leur signature au présent accord, tous les gouvernements l'acceptent, tant en leur nom propre qu'au regard de toutes leurs colonies et territoires d'outre-mer, de tous les territoires placés sous leur protection, souveraineté ou autorité, et de tous les territoires sur lesquels ils exercent un mandat.

(h) In the case of governments whose metropolitan territories have been under enemy occupation, the deposit of the instrument referred to in (a) above may be delayed until one hundred and eighty days after the date on which these territories have been liberated. If, however, it is not deposited by any such government before the expiration of this period, the signature affixed on behalf of that government shall become void and the portion of its subscription paid under (d) above shall be returned to it.

(i) Paragraphs (d) and (h) shall come into force with regard to each signatory government as from the date of its signature.

Section 3.—Inauguration of the Bank

(a) As soon as this Agreement enters into force under Section 1 of this Article, each member shall appoint a governor and the member to whom the largest number of shares is allocated in Schedule A shall call the first meeting of the Board of Governors.

(b) At the first meeting of the Board of Governors, arrangements shall be made for the selection of provisional Executive Directors. The governments of the five countries, to which the largest number of shares are allocated in Schedule A, shall appoint provisional Executive Directors. If one or more of such governments have not become members, the executive directorships which they would be entitled to fill shall remain vacant until they become members, or until January 1, 1946, whichever is the earlier. Seven provisional Executive Directors shall be elected in accordance with the provisions of Schedule B and shall remain in office until the date of the first regular election of Executive Directors which shall be held as

h) Dans le cas de gouvernements dont les territoires métropolitains ont été occupés par l'ennemi, le dépôt de l'instrument visé au paragraphe a) ci-dessus pourra être différé jusqu'au cent-quatre-vingtième jour qui suivra la date de la libération de ces territoires. Si, toutefois, l'un de ces gouvernements n'effectue pas ce dépôt avant l'expiration de ladite période, la signature apposée au nom dudit gouvernement sera considérée comme annulée et la fraction de sa souscription versée aux termes du paragraphe d) ci-dessus lui sera restituée.

i) Les paragraphes d) et h) entreront en vigueur à l'égard de chaque gouvernement signataire, à compter de la date de sa signature.

Section 3.—Inauguration de la Banque

a) Dès que le présent accord entrera en vigueur aux termes de la section 1 du présent article, chaque Etat membre nommera un gouverneur et l'Etat membre auquel le plus grand nombre de parts aura été alloué dans l'annexe A convoquera la première réunion du Conseil des gouverneurs.

b) A la première réunion du Conseil des gouverneurs, des dispositions seront prises en vue du choix d'administrateurs à titre provisoire. Les gouvernements des cinq pays auxquels, d'après l'annexe A, il est attribué le plus grand nombre de parts, nommeront des administrateurs provisoires. Au cas où un ou plusieurs de ces gouvernements ne seraient pas encore devenus membres, les postes d'administrateurs qu'il leur appartiendrait de pourvoir resteront vacants jusqu'à la date où ils deviendront membres ou jusqu'au 1^{er} janvier 1946, si cette dernière date est antérieure à la précédente. Sept administrateurs à titre provisoire seront élus conformément aux dispositions de l'annexe B et demeureront en fonctions jusqu'à la date de

soon as practicable after January 1, 1946.

(c) The Board of Governors may delegate to the provisional Executive Directors any powers except those which may not be delegated to the Executive Directors.

(d) The Bank shall notify members when it is ready to commence operations.

DONE at Washington, in a single copy which shall remain deposited in the archives of the Government of the United States of America which shall transmit certified copies to all governments whose names are set forth in Schedule A and to all governments whose membership is ap-

la première élection ordinaire d'administrateurs, laquelle aura lieu aussitôt qu'il sera possible après le 1^{er} janvier 1946.

c) Le Conseil des gouverneurs pourra déléguer aux administrateurs à titre provisoire tous les pouvoirs à l'exception de ceux qui ne peuvent être délégués aux administrateurs.

d) La Banque avisera les Etats membres de la date à laquelle elle se trouvera en mesure de commencer ses opérations.

FAIT à Washington, en un seul exemplaire qui restera déposé aux archives du Gouvernement des Etats-Unis d'Amérique, lequel en transmettra des copies certifiées conformes à tous les gouvernements dont les noms figurent à l'annexe A et à tous les gouvernements dont l'adhésion

SCHEDULE A¹

SUBSCRIPTIONS

	(Millions of U. S. dollars)		(Millions of U. S. dollars)
Australia.	200	Iran	24
Belgium	225	Iraq	6
Bolivia	7	Liberia5
Brazil	105	Luxembourg	10
Canada	325	Mexico	65
Chile	35	Netherlands	275
China	600	New Zealand	50
Colombia	35	Nicaragua8
Costa Rica	2	Norway	50
Cuba	35	Panama2
Czechoslovakia	125	Paraguay8
Denmark *	—	Peru	17.5
Dominican Republic	2	Philippine Commonwealth	15
Ecuador	3.2	Poland	125
Egypt	40	Union of South Africa	100
El Salvador	1	Union of Soviet Socialist Repub- lics	1,200
Ethiopia	3	United Kingdom	1,300
France	450	United States	3,175
Greece	25	Uruguay	10.5
Guatemala	2	Venezuela	10.5
Haiti	2	Yugoslavia	40
Honduras	1		
Iceland	1		
India	400	Total	9,100

* The subscription of Denmark shall be determined by the Bank after Denmark accepts membership in accordance with these Articles of Agreement.

¹ The French text of the table is not reproduced.—Ed.

proved in accordance with Article II, Section 1 (b).

est agréée conformément aux dispositions de l'article II, section 1 b).

[Here follow the same signatures as those affixed to No. 669, *ante*, with the omission of the signature of Colombia.]

SCHEDULE B

ELECTION OF EXECUTIVE DIRECTORS

1. The election of the elective Executive Directors shall be by ballot of the Governors eligible to vote under Article V, Section 4 (b).

2. In balloting for the elective Executive Directors, each Governor eligible to vote shall cast for one person all of the votes to which the member appointing him is entitled under Section 3 of Article V. The seven persons receiving the greatest number of votes shall be Executive Directors, except that no person who receives less than fourteen per cent. of the total of the votes which can be cast (eligible votes) shall be considered elected.

3. When seven persons are not elected on the first ballot, a second ballot shall be held in which the person who received the lowest number of votes shall be ineligible for election and in which there shall vote only (a) those Governors who voted in the first ballot for a person not elected and (b) those Governors whose votes for a person elected are deemed under 4 below to have raised the votes cast for that person above fifteen per cent. of the eligible votes.

4. In determining whether the votes cast by a Governor are to be deemed to have raised the total of any person above fifteen per cent. of the eligible votes, the fifteen per cent. shall be deemed to include, first, the votes of the Governor casting the largest number of votes for such person, then the votes of the Governor casting the next largest number, and so on until fifteen per cent. is reached.

5. Any Governor, part of whose votes must be counted in order to raise the total

ANNEXE B

ELECTION DES ADMINISTRATEURS

1. Les administrateurs électifs seront élus par les gouverneurs admis à voter en vertu de l'article V, section 4 b).

2. En prenant part à l'élection des administrateurs électifs chacun des gouverneurs admis à voter fera bénéficier une seule personne de toutes les voix auxquelles l'Etat membre qui l'a nommé a droit en vertu de l'Article V, section 3. Les sept personnes qui recueilleront le plus grand nombre de voix seront administrateurs, étant entendu que nul ne sera considéré comme élu s'il a obtenu moins de 14 pour 100 du total des voix qui peuvent être exprimées au scrutin (voix admissibles).

3. Si le nombre des personnes élues au premier tour de scrutin est inférieur à sept, il sera procédé à un deuxième tour de scrutin lors duquel la personne ayant recueilli le plus petit nombre de voix au précédent tour de scrutin sera inéligible. Pourront seuls voter lors du deuxième tour de scrutin: a) les gouverneurs ayant voté au premier tour de scrutin pour une personne qui n'a pas été élue, et b) les gouverneurs qui, ayant voté pour une personne qui a été élue, doivent être considérés, aux termes du paragraphe 4 ci-dessous, comme ayant porté le nombre de voix recueillies par cette personne à plus de 15 pour 100 des voix admissibles.

4. Afin de déterminer s'il y a lieu de considérer les voix données par un gouverneur comme ayant porté le total des voix recueillies par une personne à plus de 15 pour 100 du total des voix admissibles, il conviendra de faire figurer dans ledits 15 pour 100 en premier lieu les voix du gouverneur ayant donné le plus grand nombre de voix à ladite personne, en deuxième lieu les voix du gouverneur ayant, immédiatement après le gouverneur précédemment visé, donné à ladite personne le plus grand nombre de voix, et ainsi de suite jusqu'à ce que la proportion de 15 pour 100 soit atteinte.

5. Tout gouverneur dont un certain nombre de voix doivent entrer en ligne de

of any person above fourteen per cent., shall be considered as casting all of his votes for such person even if the total votes for such person thereby exceed fifteen per cent.

6. If, after the second ballot, seven persons have not been elected, further ballots shall be held on the same principles until seven persons have been elected, provided that after six persons are elected, the seventh may be elected by a simple majority of the remaining votes and shall be deemed to have been elected by all such votes.

compte pour que le total des voix recueillies par une personne quelconque soit porté à plus de 14 pour 100 sera réputé donner toutes ses voix à ladite personne, alors même que le total des voix recueillies par cette personne se trouverait de ce fait porté à plus de 15 pour 100.

6. Si, après le deuxième tour de scrutin, le nombre des personnes élues est inférieur à sept, il sera procédé, sur la base des règles ci-dessus énoncées, à de nouveaux tours de scrutin jusqu'à ce que sept personnes aient été élues. Toutefois, lorsque six personnes auront été élues, la septième pourra l'être à la majorité simple des voix qui restent et elle sera considérée comme ayant été élue par la totalité de ces voix.

No. 670a

Agreement between the United Nations and the International Bank for Reconstruction and Development. Adopted at New York, August 15, 1947.

Accord entre les Nations Unies et la Banque internationale pour la reconstruction et le développement. Adopté à New-York, 15 août 1947.

EDITOR'S NOTE. This Agreement was approved by the Board of Governors of the International Bank for Reconstruction and Development on September 16, 1947, and by the General Assembly of the United Nations on November 15, 1947. A protocol concerning the entry into force of the Agreement was signed at New York on April 15, 1948. 16 *U.N. Treaty Series*, p. 341.

Entered into force November 15, 1947.¹

Text supplied by the Secretariat of the United Nations.

ARTICLE I.—*General*

1. This agreement, which is entered into by the United Nations pursuant to the provisions of Article 63 of its Charter, and by the International Bank for Reconstruction and Development (hereinafter called the Bank) pursuant to the provisions of section 8 (a) of article V of its Articles of Agreement, is intended to define the terms on which the United Nations and the Bank shall be brought into relationship.

ARTICLE I.—*Généralités*

1. Le présent accord, qui est conclu par l'Organisation des Nations Unies, conformément aux dispositions de l'Article 63 de la Charte, et par la Banque internationale pour la reconstruction et le développement (dénommée ci-après la Banque), conformément aux dispositions de l'article V (Section 8, alinéa a) de ses statuts, a pour but de fixer les modalités selon lesquelles la Banque et l'Organisation des Nations Unies seront reliées.

¹ Filed with the Secretariat of the United Nations, under No. 109, July 1, 1948.

2. The Bank is a specialized agency established by agreement among its member Governments and having wide international responsibilities, as defined in its Articles of Agreement, in economic and related fields within the meaning of Article 57 of the Charter of the United Nations. By reason of the nature of its international responsibilities and the terms of its Articles of Agreement, the Bank is, and is required to function as, an independent international organization.

3. The United Nations and the Bank are subject to certain necessary limitations for the safeguarding of confidential material furnished to them by their members or others, and nothing in this agreement shall be construed to require either of them to furnish any information the furnishing of which would, in its judgment, constitute a violation of the confidence of any of its members or anyone from whom it shall have received such information, or which would otherwise interfere with the orderly conduct of its operations.

ARTICLE 2. - *Reciprocal representation*

1. Representatives of the United Nations shall be entitled to attend, and to participate without vote in, meetings of the Board of Governors of the Bank. Representatives of the United Nations shall be invited to participate without vote in meetings especially called by the Bank for the particular purpose of considering the United Nations point of view in matters of concern to the United Nations.

2. Representatives of the Bank shall be entitled to attend meetings of the General Assembly of the

2. La Banque est une institution spécialisée constituée par les Gouvernements des Etats Membres, en vertu d'un accord conclu entre eux, et pourvue, aux termes de ses statuts, d'attributions internationales étendues dans le domaine économique et les autres domaines connexes qui entrent dans le cadre de l'Article 57 de la Charte des Nations Unies. Par suite de la nature de ses attributions internationales et des articles de ses statuts, la Banque est une organisation internationale indépendante, et doit fonctionner comme telle.

3. L'Organisation des Nations Unies et la Banque sont soumises à certaines restrictions nécessaires pour assurer le secret des documents qui leur sont fournis par leurs membres ou qui proviennent d'autres sources; aucune disposition du présent accord ne peut être interprétée comme obligeant l'une ou l'autre de ces organisations à communiquer des informations dont la divulgation leur paraîtrait constituer un manquement à la confiance mise en elles par ceux qui les leur ont fournies, qu'ils soient ou non membres de ces organisations, ou qui pourraient, de toute autre manière, gêner la bonne marche de leurs travaux.

ARTICLE 2.—*Représentation réciproque*

1. Des représentants de l'Organisation des Nations Unies auront le droit d'assister et de participer, sans droit de vote, aux réunions du Conseil des Gouverneurs de la Banque. Des représentants de l'Organisation des Nations Unies seront invités à participer, sans droit de vote, aux réunions convoquées spécialement par la Banque, aux fins d'étudier les vues de l'Organisation des Nations Unies sur des questions intéressant l'Organisation.

2. Des représentants de la Banque auront le droit d'assister, à titre consultatif, aux réunions de

United Nations for purposes of consultation.

3. Representatives of the Bank shall be entitled to attend, and to participate without vote in, meetings of the committees of the General Assembly, meetings of the Economic and Social Council, of the Trusteeship Council and of their respective subsidiary bodies, dealing with matters in which the Bank has an interest.

4. Sufficient advance notice of these meetings and their agenda shall be given so that, in consultation, arrangements can be made for adequate representation.

ARTICLE 3.—*Proposal of agenda items*

In preparing the agenda for meetings of the Board of Governors, the Bank will give due consideration to the inclusion in the agenda of items proposed by the United Nations. Similarly, the Council and its commissions and the Trusteeship Council will give due consideration to the inclusion in their agenda of items proposed by the Bank.

ARTICLE 4.—*Consultation and recommendations*

1. The United Nations and the Bank shall consult together and exchange views on matters of mutual interest.

2. Neither organization, nor any of their subsidiary bodies, will present any formal recommendations to the other without reasonable prior consultation with regard thereto. Any formal recommendations made by either organization after such consultation will be considered as soon as possible by the appropriate organ of the other.

l'Assemblée générale des Nations Unies.

3. Des représentants de la Banque auront le droit d'assister, et de participer, sans droit de vote, aux séances des commissions de l'Assemblée générale, aux séances du Conseil économique et social, à celles du Conseil de tutelle et à celles de leurs organes subsidiaires respectifs qui s'occupent de questions intéressant la Banque.

4. Ces réunions et leur ordre du jour seront annoncés suffisamment à l'avance pour permettre aux deux organisations de se consulter pour prendre des mesures en vue d'une représentation adéquate.

ARTICLE 3.—*Inscription de questions à l'ordre du jour*

Lors de la préparation de l'ordre du jour des réunions du Conseil des Gouverneurs, la Banque examinera, avec toute l'attention nécessaire, s'il y a lieu d'inscrire à l'ordre du jour des questions proposées par l'Organisation des Nations Unies. De leur côté, le Conseil et ses commissions, ainsi que le Conseil de tutelle, examineront, avec toute l'attention nécessaire, s'il y a lieu d'inscrire à l'ordre du jour des questions proposées par la Banque.

ARTICLE 4.—*Consultation et recommandations*

1. L'Organisation des Nations Unies et la Banque se consulteront et échangeront leurs vues sur les questions d'intérêt commun.

2. Aucune de ces deux organisations et aucun de leurs organismes subsidiaires ne présentera à l'autre ou à ses organismes subsidiaires des recommandations formelles sans avoir procédé, au préalable, à des consultations normales à ce sujet. Toute recommandation formelle faite, après une telle consultation, par l'une de ces organisations, sera examinée, dès que possible, par l'organe approprié de l'autre.

3. The United Nations recognizes that the action to be taken by the Bank on any loan is a matter to be determined by the independent exercise of the Bank's own judgment in accordance with the Bank's Articles of Agreement. The United Nations recognizes, therefore, that it would be sound policy to refrain from making recommendations to the Bank with respect to particular loans or with respect to terms or conditions of financing by the Bank. The Bank recognizes that the United Nations and its organs may appropriately make recommendations with respect to the technical aspects of reconstruction or development plans, programmes or projects.

ARTICLE 5.—*Exchange of information*

The United Nations and the Bank will, to the fullest extent practicable and subject to paragraph 3 of article 1, arrange for the current exchange of information and publications of mutual interest, and the furnishings of special reports and studies upon request.

ARTICLE 6.—*Security Council*

1. The Bank takes note of the obligation assumed, under paragraph 2 of Article 48 of the United Nations Charter, by such of its members as are also Members of the United Nations, to carry out the decisions of the Security Council through their action in the appropriate specialized agencies of which they are members, and will, in the conduct of its activities, have due regard for decisions of the Security Council under Articles 41 and 42 of the United Nations Charter.

2. The Bank agrees to assist the Security Council by furnishing to it

3. L'Organisation des Nations Unies reconnaît que les mesures à prendre par la Banque au sujet de tout emprunt doivent être réglées par la Banque, qui exerce son jugement en toute indépendance, conformément à son statut. L'Organisation des Nations Unies reconnaît, en conséquence, qu'il serait de saine politique que l'Organisation évite de faire à la Banque des recommandations au sujet de tel ou tel emprunt ou des conditions ou des circonstances de son financement par la Banque. La Banque reconnaît que l'Organisation des Nations Unies et ses organes pourront, de manière appropriée, faire des recommandations concernant les aspects techniques des projets, programmes et plans de reconstruction ou de développement.

ARTICLE 5.—*Echange d'informations*

L'Organisation des Nations Unies et la Banque prendront, dans toute la mesure du possible, et sous réserve du paragraphe 3 de l'article 1, des dispositions en vue d'échanger couramment des informations et des publications d'intérêt commun et de fournir, sur demande, des études et des rapports spéciaux.

ARTICLE 6.—*Conseil de sécurité*

1. La Banque prend note de l'obligation que ceux de ses membres, qui sont également Membres de l'Organisation des Nations Unies, ont assumée, aux termes du paragraphe 2 de l'Article 48 de la Charte des Nations Unies, et par laquelle ils sont tenus d'exécuter les décisions du Conseil de sécurité, grâce à leur action dans les institutions spécialisées appropriées dont ils font partie, et prendra dûment en considération, dans la conduite de son activité, les décisions prises par le Conseil de sécurité en vertu des Articles 41 et 42 de la Charte des Nations Unies.

2. La Banque convient d'apporter une aide au Conseil de sécurité, en

information in accordance with the provisions of article 5 of this agreement.

ARTICLE 7.—*Assistance to the Trusteeship Council*

The Bank agrees to co-operate with the Trusteeship Council in the carrying out of its functions by furnishing information and technical assistance upon request and in such other similar ways as may be consistent with the Articles of Agreement of the Bank.

ARTICLE 8.—*International Court of Justice*

The General Assembly of the United Nations hereby authorizes the Bank to request advisory opinions of the International Court of Justice on any legal questions arising within the scope of the Bank's activities other than questions relating to the relationship between the Bank and the United Nations or any specialized agency. Whenever the Bank shall request the Court for an advisory opinion, the Bank will inform the Economic and Social Council of the request.

ARTICLE 9.—*Statistical services*

1. In the interests of efficiency and for the purpose of reducing the burden on national governments and other organizations, the United Nations and the Bank agree to co-operate in eliminating unnecessary duplication in the collection, analysis, publication and dissemination of statistical information.

2. The Bank recognizes the United Nations as the central agency for the collection, analysis, publication, standardization and improvement of statistics serving the general purposes of international organizations, without prejudice to the right of the Bank to concern itself with any sta-

lui fournissant les renseignements prévus à l'article 5 du présent accord.

ARTICLE 7.—*Assistance au Conseil de tutelle*

La Banque convient de coopérer avec le Conseil de tutelle dans l'accomplissement de ses fonctions en fournissant, sur demande, des informations et une assistance technique, ainsi que par d'autres moyens analogues qui ne vont pas à l'encontre du statut de la Banque.

ARTICLE 8.—*Cour internationale de Justice*

L'Assemblée générale des Nations Unies autorise la Banque, par le présent accord, à demander des avis consultatifs à la Cour internationale de Justice sur des questions juridiques qui se poseraient dans le cadre de son activité, à l'exception de celles concernant les relations réciproques entre la Banque et l'Organisation des Nations Unies ou d'autres institutions spécialisées. Toutes les fois que la Banque demandera à la Cour un avis consultatif, elle en informera le Conseil économique et social.

ARTICLE 9.—*Services de statistiques*

1. En vue d'assurer le maximum de rendement et de réduire les charges des Gouvernements nationaux et des autres organisations, l'Organisation des Nations Unies et la Banque conviennent de coopérer à l'élimination de tout double emploi inutile, dans le rassemblement, l'analyse, la publication et la diffusion des informations statistiques.

2. La Banque reconnaît que l'Organisation des Nations Unies constitue l'organisme central chargé de recueillir, analyser, publier, standardiser et améliorer les statistiques servant les buts généraux des organisations internationales, sans qu'il soit porté préjudice au droit de la

tistics so far as they may be essential for its own purposes.

3. The United Nations recognizes the Bank as the appropriate agency for the collection, analysis, publication, standardization and improvement of statistics within its special sphere, without prejudice to the right of the United Nations to concern itself with any statistics so far as they may be essential for its own purposes.

4. (a) In its statistical activities the Bank agrees to give full consideration to the requirements of the United Nations and of the specialized agencies.

(b) In its statistical activities the United Nations agrees to give full consideration to the requirements of the Bank.

5. The United Nations and the Bank agree to furnish each other promptly with all their non-confidential statistical information.

ARTICLE 10.—*Administrative relationships*

1. The United Nations and the Bank will consult from time to time concerning personnel and other administrative matters of mutual interest, with a view to securing as much uniformity in these matters as they shall find practicable and to assuring the most efficient use of the services and facilities of the two organizations. These consultations shall include determination of the most equitable manner in which special services furnished by one organization to the other should be financed.

2. To the extent consistent with the provisions of this agreement, the Bank will participate in the work of the Co-ordination Committee and its subsidiary bodies.

Banque de s'intéresser à toutes statistiques, pour autant qu'elles sont essentielles à la poursuite de ses propres buts.

3. La Banque est reconnue par l'Organisation des Nations Unies comme étant l'organisme approprié chargé de recueillir, d'analyser, de publier, de standardiser et d'améliorer les statistiques, dans son propre domaine, sans qu'il soit porté préjudice au droit de l'Organisation des Nations Unies de s'intéresser à toutes statistiques, pour autant qu'elles sont essentielles à la poursuite de son propre but.

4. a) Dans ses activités statistiques la Banque convient de tenir pleinement compte des besoins de l'Organisation des Nations Unies et des institutions spécialisées.

b) Dans ses activités statistiques, l'Organisation des Nations Unies convient de tenir pleinement compte des besoins de la Banque.

5. L'Organisation des Nations Unies et la Banque conviennent de se communiquer réciproquement et sans délai toutes leurs informations statistiques de caractère non confidentiel.

ARTICLE 10.—*Relations administratives*

1. L'Organisation des Nations Unies et la Banque se consulteront de temps à autre sur les questions de personnel et les autres questions administratives d'intérêt commun, afin d'assurer le plus d'uniformité possible dans ce domaine et de faire le meilleur usage de leurs services et de leurs ressources. Ces consultations serviront notamment à fixer, avec le plus d'équité possible, la façon d'indemniser les services spéciaux rendus par une organisation à l'autre.

2. Dans la mesure où les dispositions du présent accord le permettent, la Banque participera aux travaux du Comité de coordination et de ses organes subsidiaires.

3. The Bank will furnish to the United Nations copies of the annual report and the quarterly financial statements prepared by the Bank pursuant to section 13 (a) of article V of its Articles of Agreement. The United Nations agrees that, in the interpretation of paragraph 3 of Article 17 of the United Nations Charter it will take into consideration that the Bank does not rely for its annual budget upon contributions from its members, and that the appropriate authorities of the Bank enjoy full autonomy in deciding the form and content of such budget.

4. The officials of the Bank shall have the right to use the *laissez-passer* of the United Nations in accordance with special arrangements to be negotiated between the Secretary-General of the United Nations and the competent authorities of the Bank.

ARTICLE 11.—*Agreements with other organizations*

The Bank will inform the Economic and Social Council of any formal agreement which the Bank shall enter into with any specialized agency, and in particular agrees to inform the Council of the nature and scope of any such agreement before it is concluded.

ARTICLE 12.—*Liaison*

1. The United Nations and the Bank agree to the foregoing provisions in the belief that they will contribute to the maintenance of effective co-operation between the two organizations. Each agrees that it will establish within its own organization such administrative machinery as may be necessary to make the liaison, as provided for in this agreement, fully effective.

2. The arrangements provided for in the foregoing articles of this agreement shall apply, as far as is ap-

3. La Banque enverra à l'Organisation des Nations Unies un certain nombre d'exemplaires de son rapport annuel et des relevés financiers trimestriels établis en vertu de l'article V (section 13, paragraphe a) de ses statuts. L'Organisation des Nations Unies convient que, dans l'interprétation du paragraphe 3 de l'Article 17 de la Charte des Nations Unies, elle tiendra compte du fait que la Banque, pour son budget annuel, n'est pas liée par les contributions de ses membres, et que les autorités compétentes de la Banque jouissent d'une autonomie complète pour déterminer la forme et le contenu de ce budget.

4. Les fonctionnaires de la Banque auront le droit d'utiliser les laissez-passer de l'Organisation des Nations Unies, conformément aux accords spéciaux qui seront négociés par le Secrétaire général de l'Organisation des Nations Unies avec les autorités compétentes de la Banque.

ARTICLE 11.—*Accords avec d'autres organisations*

La Banque convient d'informer le Conseil économique et social de tout accord formel de caractère général qu'elle conclurait avec toute autre institution spécialisée et, notamment, de l'informer de la nature et de la portée d'un tel accord avant de le conclure.

ARTICLE 12.—*Liaison*

1. L'Organisation des Nations Unies et la Banque conviennent des dispositions précédentes dans l'espoir qu'elles contribueront à assurer une liaison efficace entre les deux organisations. Elles s'engagent à créer, chacune au sein de sa propre organisation, les rouages administratifs qui permettront de rendre pleinement efficace la liaison prévue au présent accord.

2. Les dispositions prévues aux articles précédents du présent accord s'appliqueront, dans la mesure

propriate, to relations between such branch or regional offices as may be established by the two organizations, as well as between their central machinery.

ARTICLE 13.—*Miscellaneous*

1. The Secretary-General of the United Nations and the President of the Bank are authorized to make such supplementary arrangements as they shall deem necessary or proper to carry fully into effect the purposes of this agreement.

2. This agreement shall be subject to revision by agreement between the United Nations and the Bank from the date of its entry into force.

3. This agreement may be terminated by either party thereto on six months' written notice to the other party, and thereupon all rights and obligations of both parties hereunder shall cease.

4. This agreement shall come into force when it shall have been approved by the General Assembly of the United Nations and the Board of Governors of the Bank.

du possible, tant aux relations entre les bureaux régionaux et locaux que les organisations pourront établir qu'aux relations entre leurs administrations centrales.

ARTICLE 13.—*Divers*

1. Le Secrétaire général des Nations Unies et le Président de la Banque sont habilités à conclure tous les arrangements complémentaires qu'ils estimeraient nécessaires ou convenables en vue d'atteindre pleinement les objectifs du présent accord.

2. Le présent accord sera sujet à revision par accord entre l'Organisation des Nations Unies et la Banque à partir de la date de sa mise en application.

3. Chacune des parties pourra dénoncer le présent accord en notifiant par écrit à l'autre partie, six mois à l'avance, son intention de mettre fin audit accord. A l'expiration de ce délai de six mois, les droits et obligations des deux parties prendront fin.

4. Le présent accord entrera en vigueur quand il aura été approuvé par l'Assemblée générale de l'Organisation des Nations Unies et par le Conseil des Gouverneurs de la Banque.

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